



SUMMARY OF 2019 PUBLIC ACTS

Connecticut General Assembly

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NOTICE TO USERS

This publication, *Summary of 2019 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's July 2019 Special Session and the 2019 Regular Session. Special acts are not summarized.

The *Summary of 2019 Public Acts* is also available digitally on the Office of Legislative Research (OLR) website at: <https://www.cga.ct.gov/olr/PublicActSummaryBooks.asp>. The digital version of this publication is word searchable and contains hyperlinks for ease of navigation.

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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 a separate chapter. Within each chapter, summaries are arranged in order by public act number.

2019 VETOED ACTS

1. PA 19-138, An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats (Judiciary Committee)
2. PA 19-158, An Act Concerning Disclosures by Real Estate Brokers and Salespersons (Insurance and Real Estate Committee)
3. PA 19-198, An Act Requiring a Study of Workforce Training Needs in the State (Higher Education and Employment Advancement Committee)

TABLES ON PENALTIES

Crimes

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. For most crimes, the court may also impose a probation term. For eligible offenders, the court may order participation in various programs, such as accelerated rehabilitation or the pretrial alcohol education program, and dismiss the charges upon the offender's successful completion of the program.

When sentencing an offender to prison, the judge must specify a period of incarceration. The prison terms in Table 1 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 established limits listed below. Repeated or persistent offenses may result in a higher maximum than specified here.

Table 1: Crime Classification and Penalties

<i>Classification of Crime</i>	<i>Prison Term</i>	<i>Fine (up to)</i>
Class A felony (murder with special circumstances)	Life, without release	\$20,000
Class A felony (murder)	25 to 60 years	20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	20,000
Class A felony	10 to 25 years	20,000
Class B felony (1 st degree manslaughter with a firearm)	5 to 40 years	15,000
Class B felony	1 to 20 years	15,000
Class C felony	1 to 10 years	10,000
Class D felony	up to 5 years	5,000
Class E felony	up to 3 years	3,500
Class A misdemeanor	up to 1 year	2,000
Class B misdemeanor	up to 6 months	1,000
Class C misdemeanor	up to 3 months	500
Class D misdemeanor	up to 30 days	250

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.

PA 19-1—HB 7402
Emergency Certification

AN ACT CONCERNING FUNDING FOR ASSISTANCE TO PERSONS DISPLACED BY HURRICANE MARIA

SUMMARY: The FY 19 budget revision act (PA 18-81) earmarked \$500,000 in FY 19 appropriations for the Department of Social Services to assist residents displaced by Hurricane Maria. This act directs \$90,000 of these earmarked funds to Caribe Youth Leaders in Bridgeport, rather than Waterbury, correcting a reference in the budget revision act. The act also specifies that \$90,000 of these earmarked funds directed to the Family Resource Center in Hartford in the budget revision act is for The Welcome Center at Hartford Public Schools.
EFFECTIVE DATE: Upon passage

PA 19-117—HB 7424
Emergency Certification

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2021, AND MAKING APPROPRIATIONS THEREFOR, AND PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET

TABLE OF CONTENTS:

[§§ 1-10 — FY 20 AND 21 APPROPRIATIONS](#)

Appropriates money for state agency operations and programs for FYs 20 and 21

[§§ 11-15 & 51 — SPENDING REDUCTIONS AND BUDGETED LAPSES](#)

Allows the OPM secretary to reduce allotments for state agencies and funds in order to achieve specified savings and budgeted lapses

[§ 16 — FEDERAL REIMBURSEMENT FOR DCF AND DSS PROJECTS](#)

Authorizes DSS to establish receivables for anticipated federal reimbursement

[§ 17 — APPROPRIATIONS FOR NONFUNCTIONAL – CHANGE TO ACCRUALS LINE ITEM ACCOUNTS](#)

Bars the OPM secretary from allotting funds from the Nonfunctional – Change to Accruals line item accounts in the state’s appropriated funds

[§ 18 — AUTHORITY TO TRANSFER FUNDS TO AND FROM THE RESERVE FOR SALARY ADJUSTMENTS ACCOUNT](#)

Allows the OPM secretary to transfer specified funds to implement and account for adjustments to various personal services expenses

[§ 19 — COLLECTIVE BARGAINING AGREEMENT COSTS](#)

Carries forward the unexpended portion of appropriated funds related to collective bargaining agreements and related costs and requires that the funds be used for the same purposes in FYs 20 and 21

[§§ 20 & 21 — APPROPRIATION TRANSFERS AND ADJUSTMENTS TO MAXIMIZE FEDERAL MATCHING FUNDS](#)

Authorizes the governor, subject to specified conditions, to transfer or adjust agency appropriations to maximize federal matching funds

[§ 22 — TRANSFERS TO MEDICAID ACCOUNT](#)

Authorizes the OPM secretary to transfer certain funds to DSS's Medicaid account to maximize federal reimbursement

[§ 23 — DSS PAYMENTS TO DMHAS HOSPITALS](#)

Specifies how (1) DSS must spend appropriations for certain DMHAS hospital payments and (2) hospitals must use the funds they receive from DMHAS

[§ 24 — TRANSFER FOR BIRTH-TO-THREE PROGRAM](#)

Requires SDE to transfer certain federal special education funds to OEC for the Birth-to-Three Program

[§ 25 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES](#)

Suspends rate adjustments for DCF-licensed private residential treatment facilities

[§ 26 — DDS AND DMHAS COST SETTLEMENTS WITH PRIVATE AND NONPROFIT PROVIDERS](#)

Requires certain private and nonprofit providers to reimburse DDS and DMHAS for the difference between actual costs and the amount received from the agencies

[§§ 27, 38, 42 & 43, 49, 52 & 53 — FUNDS CARRIED FORWARD](#)

Carries forward certain agencies' unspent funds and requires that they be used in FYs 20 & 21

[§ 28 — PRIVATE PROVIDER WAGE INCREASES](#)

Allows the OPM secretary to allocate certain appropriated funds to increase the wages of private provider employees in order to comply with the minimum wage increase

[§ 29 — REGIONAL COUNCILS OF GOVERNMENT](#)

Requires the OPM secretary to distribute certain funds to regional COGs according to a statutory formula

[§ 30 — COMMUNITY INVESTMENT ACCOUNT TRANSFER](#)

Requires that certain community investment account funds be transferred to the agriculture sustainability account

[§§ 31-33, 35, 39 & 40 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS](#)

Reserves certain amounts from line items in agency budgets for various purposes in FYs 20 and 21

[§ 34 — PROBATE COURT ADMINISTRATION FUND](#)

Requires that the fund's balance at the end of FY 19 remain in the fund

[§ 36 — STUDENTS FIRST INITIATIVE REPORT](#)

Requires BOR to biannually report specified information on the Students First Initiative

[§ 37 — DOH REPORT ON RENTAL ASSISTANCE PROGRAM](#)

Requires DOH to submit a report with certain information regarding its rental assistance program and DCF-involved families

[§ 41 — NORTH BRANCH PARK RIVER REGIONAL WATERSHED](#)

Provides funds from the Passport to the Parks account to the North Branch Park River regional watershed in FY 19

[§ 44 — PAYMENTS TO FUND THE UNFUNDED LIABILITY ATTRIBUTED TO CERTAIN EMPLOYEES](#)

Requires the state comptroller to fund the portion of the state employees' retirement system fringe benefit recovery rate that is attributable to the unfunded liability of the system for certain employees

§ 45 — RATE REDUCTIONS FOR READMISSION

Exempts certain facilities and readmissions from reductions to rate payments for readmission

§ 46 — NONPARTISAN LEGISLATIVE EMPLOYEES

Requires OLM to give nonpartisan legislative employees FY 20 and FY 21 wage increases that are consistent with those provided to most collective bargaining state employees under the 2017 SEBAC Agreement

§ 47 — DSS RECEIVABLE FOR FEDERAL REIMBURSEMENT FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

Allows DSS to establish a receivable for FY 19 for the anticipated reimbursement from the federal Centers for Medicare and Medicaid Services

§ 48 — YOUTH SERVICES GRANTS

Specifies how funds appropriated in FYs 20 and 21 to the judicial branch for youth services grants must be distributed

§ 50 — HOSPITAL SETTLEMENT

Requires the General Assembly to adjust the FY 20-21 biennial budget if it approves a settlement with hospitals, including making \$190 million available from the General Fund

§§ 54 & 55 — PAYMENTS IN LIEU OF TAXES (PILOT) GRANTS

Allocates PILOT grant amounts for FYs 20 and 21

§ 56 — MUNICIPAL REVENUE SHARING GRANTS

Eliminates the municipal revenue sharing grants for all but five municipalities and specifies their amounts for FYs 20 and 21

§ 57 — MUNICIPAL STABILIZATION GRANTS

Provides municipal stabilization grants to certain municipalities for FYs 20 and 21

§ 58 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS

Allocates the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund for FYs 20 and 21

§§ 59-66 — FY 19 DEFICIENCY APPROPRIATIONS AND REDUCTIONS

Makes deficiency appropriations and corresponding reductions for FY 19 in four appropriated funds

§ 67 — COLLEGE CONNECTIONS PROGRAM

Requires the BOR to waive tuition and fees for Ansonia High School students who participate in the College Connections program at Derby High School

§ 68 — DEPARTMENT OF CORRECTION'S OMBUDSMAN SERVICES

Requires DOC to hire an ombudsman to provide certain ombudsman services to individuals age 18 or younger who are in the DOC commissioner's custody

§ 69 — WAIVERS FOR CERTAIN HOUSING AUTHORITIES

Extends indefinitely a requirement that certain municipalities waive payments due from certain state-financed housing authorities

§ 70 — MOTOR VEHICLE PROPERTY TAX GRANTS

Modifies the formula used to calculate motor vehicle property tax grants owed to municipalities for FYs 20 and 21; requires three West Haven fire districts to receive additional grants in FY 20

§ 71 — MUNICIPAL GAMING ACCOUNT AND GRANTS TO MUNICIPALITIES

Provides grants from the municipal gaming account to two additional municipalities and reduces the amount each municipality annually receives from \$750,000 to \$625,000

§ 72 — DPH CHILDREN'S HEALTH INITIATIVES

Incorporates DPH's children health initiatives into the list of programs funded through the Insurance Fund by the public health fee on domestic health carriers

§§ 73 & 74 — REPLACEMENT PUBLIC WELL

Allows (1) DPH to approve the location of a replacement public well in Ledyard if certain conditions are met and (2) the local health director to issue a permit for the well

§ 75 — SAFE DRINKING WATER PRIMACY ASSESSMENT

Requires water companies that own community or non-transient, non-community water systems to pay DPH a safe drinking water primacy assessment in FYs 19 to 21; allows water companies that own community water systems to recover the assessment from customers

§§ 76-77 & 398 — PRORATED PAYMENTS TO MUNICIPAL HEALTH DEPARTMENTS AND HEALTH DISTRICTS

Requires DPH to reduce payments on a pro rata basis to municipal and district health departments if the payments in a fiscal year exceed the amount appropriated

§ 78 — USE OF BOND PREMIUM

Delays by two years, from July 1, 2019, to July 1, 2021, the requirement that the treasurer direct bond premiums to an account or fund to pay for previously authorized capital projects

§ 79 — PURA PROCUREMENT MANAGER

Eliminates the procurement manager position within PURA and instead allows the PURA chairperson to assign staff to fulfill the procurement manager's duties

§ 80 — PURA COMMISSIONERS

Increases the number of PURA commissioners from three to five

§ 81 — RESIDENT STATE TROOPER FRINGE FUNDING

Beginning FY 20, the comptroller must annually pay 50% of the portion of the state employees' retirement system fringe recovery rate attributable to the unfunded liability of the system

§§ 82-90 — CONNECTICUT TEACHERS' RETIREMENT FUND BONDS SPECIAL CAPITAL RESERVE FUND (TRF-SCRF)

Creates the TRF-SCRF to further secure state payment of pension bonds and appropriates \$380.9 million to deposit in it; authorizes the redirection of CLC revenues to the TRF-SCRF if funding falls below the minimum required amount; makes changes to the TRS actuarial funding methodology; modifies one type of TRS benefit

§ 91 — FISCAL ACCOUNTABILITY REPORTS

Delays by five days the annual date by which OPM and OFA must submit fiscal accountability reports to the Appropriations and Finance committees and delays by 15 days the date by which the committees must review the reports

§ 92 — TAX INCIDENCE STUDY

Delays the next DRS tax incidence report deadline from February 15, 2020, to February 15, 2022

§ 93 — ZERO-EMISSION VEHICLES IN THE STATE FLEET

Establishes various requirements towards reducing the emissions generated by vehicles in the state fleet

§§ 94 & 95 — STATE RESIDENT HYDROGEN AND ELECTRIC VEHICLE REBATE PROGRAM

Creates a state-funded rebate program to incentivize residents to purchase hydrogen and electric vehicles; increases and broadens the application of the greenhouse gas reduction fee to fund that rebate program

§ 96 — APRN EMERGENCY CERTIFICATES AT CORRECTIONAL FACILITIES

Allows APRNs, under certain conditions, to issue emergency certificates to require up to 72 hours of hospitalization for prison inmates with psychiatric disabilities

§§ 97 & 98 — WORKING PAPERS EXEMPTION

Exempts employers from the requirement to obtain a minor's "working papers" when they employ minors through a regional workforce development board's youth development program

§§ 99-102 — CONNECTICUT RETIREMENT SECURITY AUTHORITY

Removes provisions that generally require that the retirement programs offered by the CT Retirement Security Authority be from multiple authority-selected vendors

§§ 103 & 104 — PERSONAL SERVICE AGREEMENT (PSA) WAIVERS

Requires executive branch agencies to submit a procurement plan every three years to OPM for approval; requires OPM to (1) annually report on waiver requests received and their outcomes and (2) post approved waivers on the state contracting portal

§§ 105-143 & 398 — LEGISLATIVE COMMISSION CONSOLIDATION

Merges the legislative CEO and CWCS into a single entity, the Commission on Women, Children, Seniors, Equity and Opportunity, which the act designates as the successor to the two former commissions

§ 144 — STATE OFFICIALS' COMPENSATION

Authorizes elected or appointed state officials to decline state compensation or benefits

§ 145 — TEACHERS' RETIREMENT BOARD (TRB) DATA AND ACTUARIAL SOFTWARE SERVICES

Requires the TRB to provide data to the OPM secretary upon request if the secretary enters into a contract for actuarial services

§ 146 — HARTFORD COMMUNITY COURT'S NAME

Changes Hartford Community Court's name

§ 147 — OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL

Creates the 17-member OER Coordinating Council to establish an OER program to lower the cost of textbooks and course materials for certain courses at state higher education institutions

§ 148 — NEWBORN SCREENING

Expands DPH's Newborn Screening Program to include any disorder listed on the federal Recommended Uniform Screening Panel, subject to OPM's approval

§§ 149-151 — MINOR CHANGES IN UNEMPLOYMENT LAWS

Requires that the quarters in an unemployment claimant's special base period be consecutive quarters; limits the benefit eligibility penalty imposed on fraudulent claimants before October 1, 2013, to claims deemed payable before October 1, 2019; explicitly allows the labor commissioner to enter into a consortium with other states

§§ 152-154 — HEMP PRODUCTION

Makes minor changes to PA 19-3 concerning hemp production in Connecticut, including eliminating requirements for certain DCP regulations

§§ 155 & 156 — TECHNICAL REVISIONS TO DEPARTMENT HEAD DEFINITION

Makes technical changes to an executive branch department head definition

§§ 157-159 — DCF CHILD ABUSE AND NEGLECT REGISTRY CHECKS FOR CERTAIN INDIVIDUALS

Expands DCF child abuse and neglect registry checks for certain individuals and requires DCF to comply with any request from another state's child welfare agency to check the registry

§§ 160 & 161 — COMMUNITY HEALTH WORKERS

Creates a community health worker certification program and a Community Health Worker Advisory Body

§§ 162-175 — PROFESSIONAL COUNSELOR AND MARITAL AND FAMILY THERAPIST ASSOCIATE LICENSURE

Creates an associate licensure category for professional counselors and marital and family therapists practicing under professional supervision while pursuing full licensure

§§ 176-182 — ART THERAPIST LICENSURE

Creates a licensure program for art therapists and generally prohibits unlicensed individuals from using the "art therapist" title

§§ 183-189 — THE PARTNERSHIP FOR CONNECTICUT, INC.

Establishes The Partnership for Connecticut, Inc. as a nonprofit corporation organized and established by a specified philanthropic enterprise; requires the state, under specified conditions, to provide \$20 million to the corporation in FY 20; allows the state, under specified conditions, to provide \$20 million per year in up to four additional fiscal years

§ 190 — LCO TECHNICAL CHANGES

Allows LCO to make technical, grammatical, and punctuation changes to carry out the act's purposes

§§ 191-206 — ESTHETICIAN, NAIL TECHNICIAN, AND EYELASH TECHNICIAN LICENSURE

Requires estheticians, nail technicians, and eyelash technicians to be licensed; allows schools for them to be established; sets annual inspection standards; requires spas or salons to be under the management of a DPH-credentialed individual; extends existing law's human trafficking notice requirement to additional establishments

§§ 207 & 208 — LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ) HEALTH AND HUMAN SERVICES NETWORK

Establishes the LGBTQ Health and Human Services Network and charges it with building a safer and healthier environment for LGBTQ people

§§ 209 & 210 — HEALTH INSURANCE COVERAGE FOR BREAST ULTRASOUNDS, MAMMOGRAMS, AND MRIS

Expands coverage for ultrasounds and eliminates out-of-pocket expenses for ultrasounds, mammograms, and MRIs under certain health insurance policies

§ 211 — CSU ENDOWED CHAIR

Makes \$150,000 available to the Connecticut State Universities in FYs 20 and 21 for an endowed chair in public policy and practical politics

§§ 212-227 — MUNICIPAL REDEVELOPMENT AUTHORITY (MRDA)

(1) Creates MRDA as a quasi-public agency to stimulate economic and transit-oriented development; (2) authorizes MRDA to (a) develop property and manage facilities in development districts encompassing the areas around transit stations and downtowns, (b) issue bonds and other notes backed by its financial resources and (c) enter into an MOA with CRDA for administrative support and services; and (3) makes the state liable for any bond, note, or other financial obligations MRDA cannot pay

§ 228 — YOUTH SERVICES GRANTS

Appropriates \$1.92 million per year, for FYs 20 and 21, to the judicial branch for specified youth services grants

§ 229 — FUNDING FOR PROMOTING SERVICE DELIVERY

Reallocates municipal reimbursement and revenue account funds and requires that funds be used to support service delivery

§§ 230-231 & 401 — INSURANCE DATA SECURITY LAW

Replaces the information security program law with provisions substantially similar to the National Association of Insurance Commissioners (NAIC) insurance data security model law

§§ 232-235 — PAID FAMILY AND MEDICAL LEAVE CHANGES

Within the Paid Family and Medical Leave Insurance program established by PA 19-25: (1) clarifies certain definitions; (2) reduces the number of voting members on the board that administers the program; (3) allows the governor to appoint the board's chairperson without input from legislative leaders; (4) removes a requirement for the board to issue requests for proposals if it chooses to use contractors for certain services; and (5) delays the creation of a "non-charge" against an employer's unemployment tax experience rate when an employer lays off an employee due to another employee's return from FMLA leave

§§ 236 & 237 — HEALTH INSURANCE COST-SHARING

Limits the maximum out-of-pocket expenses that certain health insurers can charge and makes it an unfair insurance practice for insurers to charge more than this amount

§ 238 — HEALTH CARRIER CONTRACTS

Prohibits health carrier contracts from penalizing the disclosure of health care costs or available alternative treatments

§ 239 — MANAGED CARE PLANS

For MCOs, requires that deductibles be calculated in the same way that existing law requires of coinsurances and extends this requirement to amounts charged by MCO subcontractors

§ 240 — SURPRISE BILLS FOR LABORATORY SERVICES

Broadens the definition of a surprise health insurance bill by including non-emergency services rendered by an out-of-network clinical laboratory if an insured is referred to it by an in-network provider

§§ 241-243 — ADVERSE DETERMINATION REVIEW TIMEFRAMES

Reduces the maximum time for certain health benefit and adverse determination reviews from 72 to 48 hours, but creates an exception for weekends

§ 244 — DISABILITY INCOME PROTECTION POLICY DISCRETIONARY POLICIES

Prohibits provisions in disability income protection policies that allow insurers discretion to interpret the policy in a way that is inconsistent with state law

§ 245 — HOSPITAL REPORTING ON TRAUMA ACTIVATION FEES

Requires certain hospitals to report to the Health Systems Planning Unit on trauma activation fee charges

§ 246 — MEDICAL NECESSITY

Requires certain health insurance policies to cover medically necessary services to treat emergency conditions

§ 247 — HDHP TASK FORCE

Establishes a task force to study HDHPs

§ 248 — AFTER SCHOOL PROGRAM GRANTS

Allows SDE to award grants to a combination of eligible entities; requires SDE to earmark at least 10% of after school program grant funds for (1) towns with a small population or (2) boards of education in towns with a small population; allows grant recipients to spend grant funds on after school program transportation

§ 249 — SCHOOL DISTRICT UNIFORM CHART OF ACCOUNTS

Adds “federal impact aid” to the items required in school- and district-level chart of accounts

§ 250 — MINIMUM BUDGET REQUIREMENT CALCULATION WORKSHEET

Requires SDE to compile a minimum budget requirement calculation worksheet for each school district, provide the worksheet to each school district, and post it online

§§ 251-256 — YOUTH SERVICE BUREAUS

Transfers responsibilities related to youth service bureaus from SDE to DCF

§ 257 — CARE 4 KIDS REPORTING

Requires quarterly reporting by OEC to the legislature about the Care 4 Kids child care subsidy program

§ 258 — GRANTS FOR STATE-LICENSED CHILD CARE CENTERS FOR DISADVANTAGED CHILDREN

Limits how certain state grants to state-licensed child care centers for disadvantaged children may be used; creates a floor, rather than a ceiling, for the amount of per child cost grants from the state to such centers

§ 259 — SCHOOL READINESS PROGRAM GRANTS

Requires state-licensed school readiness programs receiving per child grants exceeding \$8,927 to use the excess amount exclusively to increase staff salary

§ 260 — SCHOOL READINESS PROGRAM PER CHILD COST RATE

Extends the FY 19 cap on the per child cost rate through FY 20 and increases it beginning in FY 21; eliminates the OEC commissioner’s authority to establish new rates or revise existing rates during a fiscal year

§ 261 — MAGNET SCHOOL TRANSPORTATION GRANT

Extends the education commissioner’s authority to award magnet school transportation grants

§§ 262 & 263 — MINORITY TEACHER GRANTS

Expands the minority educator teacher incentive program to (1) include a loan reimbursement grant program to provide applicants with annual grants up to 10% of their student loans not to exceed \$5,000 a year and (2) provide grants to minority students enrolled in the alternate route to certification program administered through SDE

§§ 264-269 — EDUCATION GRANT CAPS

Caps six education grants to boards of education for FYs 20 and 21

§ 270 — MAGNET SCHOOL GRANT INCREASES

Raises maximum per-student grant amounts for magnet schools; reauthorizes SDE's authority to prioritize magnet school grants based on certain enrollment conditions; extends magnet school grant eligibility criteria for two more years, FYs 20 and 21

§ 271 — MINIMUM BUDGET REQUIREMENT (MBR)

Renews and modifies the MBR for FYs 20 and 21 with certain permitted reductions and exemptions

§ 272 — ECS GRANT INCREASES AND DECREASES DETERMINATION

Adjusts calculation methodology for FYs 20 and 21 for ECS grant increases and decreases used to determine MBR

§§ 273-284 — TECHNICAL EDUCATION AND CAREER SYSTEM (TECS) DELAY AS AN INDEPENDENT AGENCY

Delays by two years the transition of TECS, formerly known as the technical high school system, into an independent agency

§ 285 — UNEXPENDED EDUCATION FUNDS ACCOUNT

Increases, from 1% to 2%, the maximum amount of unspent education funds that a town may deposit from its budgeted education appropriation from the prior fiscal year

§§ 286-288 — MINIMUM BUDGET REQUIREMENT (MBR) WAIVERS AND PENALTY REDUCTION

Decreases the penalty for towns with FY 19 MBR violations by half; allows such towns to avoid an additional ECS withholding penalty through an increased FY 20 budgeted education appropriation; allows the towns of Plymouth and Portland to reduce their budgeted education appropriations for FY 19 without penalty under specific conditions

§ 289 — SPECIAL EDUCATION EXCESS COST GRANT EXTENSION

Requires SBE to pay a special education excess cost grant to Region 14 irrespective of grant application filing deadlines

§ 290 — BOARDS OF EDUCATION EXPENSE AND REVENUE DISCLOSURE

Requires boards of education to quarterly post online current and projected expenses and revenue and submit this information to the municipal legislative body or board of selectmen

§ 291 — TEMPORARY FAMILY ASSISTANCE (TFA) AND STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) RATES

Freezes TFA and SAGA rates

§ 292 — STATE SUPPLEMENT PROGRAM (SSP) RATES

Freezes SSP rates

§§ 293, 295 & 297 — RESIDENTIAL CARE HOMES, COMMUNITY LIVING ARRANGEMENTS, AND COMMUNITY COMPANION HOMES

Freezes rates for certain facilities through FY 21

§§ 294, 296, 298 & 299 — DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS) COMMUNITY COMPANION HOMES

Eliminates DDS community companion homes from the existing DSS rate structure and the types of "rated housing facilities" to which the department must make certain payments

§§ 295 & 301 — INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF/IID) AND BOARDING HOMES

Freezes, with exceptions, rates for certain boarding homes and ICFs/IID

§ 300 — RESIDENTIAL CARE HOMES

Authorizes certain fair rent increases for residential care homes in FYs 20 and 21

§ 302 — NURSING HOME RATES

Requires DSS to provide rate increases, within available appropriations, three times by January 1, 2021, to increase nursing home employee salaries and otherwise subjects nursing home rates to certain limits with various exceptions for FYs 20 and 21

§ 303 — RECEIVERSHIPS FOR NURSING HOMES AND RESIDENTIAL CARE HOMES

Requires nursing home and residential care home appointed receivers to begin closing facilities in certain circumstances and increases, from \$3,000 to \$10,000, the amount they can spend to correct or eliminate certain deficiencies

§ 304 — PETITION FOR FACILITY CLOSURE

Allows certain facilities to submit petitions for closure to DSS; requires DSS to act on such petitions within 30 days; and establishes related notice requirements

§ 305 — PROHIBITION ON NON-COMPETE AGREEMENTS

Makes non-compete agreements in home health care, companion, or homemaker service contracts void and unenforceable

§§ 306 & 307 — HOSPITAL MEDICAID RATES AND SUPPLEMENTAL PAYMENTS

Requires the DSS commissioner to implement one or more value-based payment methodologies for hospitals and reduce applicable payments based on certain readmissions; prevents DSS from making Medicaid payments to hospitals if such payments are ineligible for federal financial participation; eliminates a requirement that the FY 20 aggregate amount in the supplemental pools be \$166.5 million; and requires \$15 million to be allocated in FY 20 and \$45 million in FY 21, based on certain parameters and within available appropriations

§ 308 — MEALS ON WHEELS

Increases the reimbursement rate for certain meals-on-wheels providers by 10% in FY 20

§ 309 — DSS FAIR HEARINGS

Specifies the deadline for DSS to issue a final decision on an administrative appeal and remedies when it fails to meet the deadline

§ 310 — COMMUNITIES OF COLOR PILOT GRANT

Authorizes a two-year pilot grant program to build the capacity of certain community-based organizations

§ 311 — METHADONE MAINTENANCE

Requires the DSS commissioner to amend the state Medicaid plan to provide an \$88.52 minimum weekly reimbursement rate for a Medicaid beneficiary's methadone maintenance treatment from chemical maintenance providers but also makes such rates contingent on meeting certain performance measures beginning July 1, 2020, and lowers rates for providers who fail to meet certain standards

§§ 312 & 313 — BURIAL EXPENSE ASSISTANCE

Increases the cap for DSS burial assistance by \$150

[§ 314 — ACQUIRED BRAIN INJURY \(ABI\) WAIVER ADVISORY COMMITTEE MEETINGS](#)

Reduces the frequency of required ABI waiver advisory committee meetings from four times per year to once annually

[§ 315 — NATCHAUG HOSPITAL](#)

Increases the inpatient Medicaid reimbursement rate for Natchaug Hospital to \$975 per day in FY 21

[§ 316 — HUSKY A MEDICAID ELIGIBILITY](#)

Expands Medicaid eligibility for HUSKY A parents and caretakers by increasing the income limit from 150% to 155% of the FPL

[§§ 317 & 318 — MOTOR VEHICLE SALES AND USE TAX DIVERSION](#)

Reduces the scheduled diversion of motor vehicle sales and use tax revenue to the Special Transportation Fund in FYs 20 and 21

[§§ 319-322 — SALES AND USE TAX ON DIGITAL GOODS AND CERTAIN ELECTRONICALLY DELIVERED SOFTWARE](#)

Increases, from 1% to 6.35%, the sales and use tax rate on digital goods and certain electronically delivered software; establishes conditions under which sales of canned or prewritten software and digital goods or taxable services are considered “sales for resale” and thus exempt from sales tax

[§§ 323 & 324 — SALES AND USE TAX ON MEALS AND BEVERAGES](#)

Increases the sales and use tax rate on sales of meals and beverages from 6.35% to 7.35%

[§§ 323 & 324 — SALES AND USE TAX ON DYED DIESEL FUEL](#)

Reduces, from 6.35% to 2.99%, the sales tax rate on certain dyed diesel fuel

[§§ 325 & 326 — SALES AND USE TAX EXTENDED TO ADDITIONAL SERVICES](#)

Extends the sales and use tax to (1) specified parking services; (2) dry cleaning and laundry services, excluding coin-operated services; and (3) interior design services, except for business-to-business

[§§ 327 & 328 — EXPANDED SALES TAX NEXUS](#)

Lowers the threshold for sales tax economic nexus and broadens its application; lowers the sales threshold for “click-through” nexus

[§§ 329 & 330 — SHORT-TERM RENTAL FACILITATOR](#)

Requires short-term rental facilitators to collect and remit Connecticut room occupancy tax on the short-term rentals they facilitate for operators on their platforms

[§ 331 — CERTIFIED SERVICE PROVIDERS](#)

Requires the DRS commissioner to (1) consult with the Streamlined Sales Tax Governing Board to develop a list of certified service providers to facilitate Connecticut sales tax collection and remittance, (2) develop a plan to implement the use of CSPs, and (3) report to the legislature on the plan and legislation to implement it

[§§ 332 & 334 — INCOME TAX EXEMPTION FOR TEACHER PENSIONS](#)

Delays by two years the scheduled increase in the teacher pension income tax exemption from 25% to 50%

[§§ 333 & 334 — TAX CREDIT FOR PASS-THROUGH ENTITY TAX PAID](#)

Reduces the value of the tax credit to 87.5%, rather than 93.01%, of a member’s share of taxes paid by the pass-through entity

§ 335 — PROPERTY TAX CREDIT LIMIT

Extends to the 2019 and 2020 tax years the eligibility limits for the property tax credit against the personal income tax

§§ 335 & 337 — REAL ESTATE CONVEYANCE TAX ON SALES ABOVE \$2.5 MILLION

Establishes a new marginal conveyance tax rate for sales of residential property in excess of \$2.5 million and allows taxpayers who pay at such a rate to claim a property tax credit against the income tax based on the conveyance tax they paid

§ 336 — REAL ESTATE CONVEYANCE TAX EXEMPTION FOR CERTAIN PROPERTY WITH CRUMBLING FOUNDATIONS

Exempts from the real estate conveyance tax transfers of certain property with crumbling foundations

§§ 338 & 339 — BUSINESS ENTITY TAX

Sunsets the business entity tax beginning January 1, 2020

§ 340 — CAPITAL BASE TAX PHASE OUT

Phases out the capital base tax over four years

§§ 341-343 — CORPORATION BUSINESS TAX SURCHARGE

Extends the 10% corporation business tax surcharge for two additional years, the 2019 and 2020 income years

§§ 344-346 — BUSINESS FILING FEES

Beginning July 1, 2020, increases from \$20 to \$80 the fee that foreign and domestic limited partnerships, limited liability companies, and limited liability partnerships pay for filing an annual report with the secretary of the state

§ 347 — ANGEL INVESTOR TAX CREDIT

Extends the angel investor tax credit program by five years, to July 1, 2024; increases the total amount of angel investor tax credits (1) available in each fiscal year from \$3 million to \$5 million and (2) allowed to any angel investor from \$250,000 to \$500,000; authorizes CI to prioritize certain unreserved credits for various businesses

§ 348 — SET-ASIDE PROGRAM

Increases the number of businesses and nonprofits eligible to bid on small contractor and minority business set-aside contracts by increasing the annual gross revenue limit for eligible small contractors from \$15 million to \$20 million

§ 349 — CORPORATION BUSINESS TAX CREDITS CAP

Reduces from 70% to 50.01% the amount by which a company may reduce its tax liability using R&D and URA credits

§§ 350 & 370 — PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PROGRAMMING AND EDUCATION TECHNOLOGY INVESTMENT ACCOUNT

For FY 20, transfers \$7 million to PEGPETIA from the General Fund; beginning in FY 22, eliminates the annual \$3.5 million transfer to the General Fund from PEGPETIA

§ 351 — E-CIGARETTE TAX

Imposes a tax on e-cigarette products at a rate of (1) 40 cents per milliliter for pre-filled e-cigarette products and (2) 10% of the wholesale price for all other e-cigarette products

§§ 352 & 353 — ALCOHOLIC BEVERAGES TAX

Increases the excise tax on alcoholic beverages, except beer, by 10%; reduces by 50% the tax rate on beer for off-premises consumption sold on the premises covered by a manufacturer's permit; requires sellers to pay a floor tax on alcoholic beverages, except beer, in their inventories as of the opening of business on October 1, 2019

§ 354 — ADMISSIONS TAX

Reduces the admissions tax rate on certain venues in two steps: from 10% to 7.5% for sales occurring on or after July 1, 2019, and from 7.5% to 5% for sales occurring on or after July 1, 2020; reduces the admissions tax rate on events at Dunkin' Donuts Park in Hartford from 10% to 5% beginning July 1, 2019, and fully exempts such events from the tax beginning July 1, 2020

§ 355 — PLASTIC SINGLE-USE BAGS

Imposes a 10-cent fee on single-use plastic bags provided at the point of sale until June 30, 2021, and bans them beginning July 1, 2021

§ 356 — HOSPITAL PROVIDER TAX

Eliminates a scheduled reduction in the hospital tax rates on inpatient and outpatient services; among other things, requires the DSS commissioner to issue refunds if she determines for any fiscal year that the effective hospital tax rate exceeds the rate permitted under federal law

§ 357 — USER FEE ON INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF-IDS)

Increases the user fee on ICF-IDs from \$27.26 to \$27.76

§§ 358 & 359 — ADVANCE DEPOSIT WAGERS AT OFF-TRACK BETTING FACILITIES

Explicitly prohibits and criminalizes unauthorized OTB wagers and advance deposit wagers in Connecticut

§ 360 — TRANSPORTATION NETWORK COMPANY (TNC) FEE

Increases the TNC fee from 25 cents to 30 cents

§ 361 — MOTOR VEHICLE TRADE-IN FEE

Increases the motor vehicle trade-in fee from \$35 to \$100

§ 362 — DEBT-FREE COMMUNITY COLLEGE PROGRAM

Requires BOR to establish a program covering tuition and fees for first-time, full-time Connecticut community-technical college students

§ 363 — FAFSA MONTH

Requires BOR to implement an annual "FAFSA month" program to help high school seniors and their families complete their federal student financial aid applications

§ 364 — ONLINE LOTTERY GAMING REVENUE

Requires the governor, through OPM, to (1) determine the feasibility of using revenue from new online lottery gaming to fund the debt-free community college program and (2) propose budget adjustments over the biennium for the program if online lottery games are not feasible; requires such budget adjustments to provide at least \$1 million for state, municipal, and regional collaboration initiatives

§§ 365 & 366 — REGIONALIZATION

Establishes a (1) task force to study ways to encourage the regionalization of municipal functions, activities, and services and (2) regionalization subaccount to support its recommendations

§ 367 — MUNICIPAL FISCAL CAPACITY

Requires the OPM secretary to (1) analyze and compare the calculations derived from municipalities' wealth index and revenue generating capacity, (2) analyze which one most accurately measures their fiscal capacity, and (3) report to the legislature

§ 368 — FEE STUDY

Requires OPM to study state fees and report at least \$50 million in recommended increases by February 5, 2020

§ 369 — BANKING FUND TRANSFER

Transfers \$5.2 million from the Banking Fund to the General Fund for each year of FYs 20 and 21

§ 371 — TRANSFER OF STF RESOURCES FROM FY 20 TO FY 21

Transfers \$30 million in STF resources from FY 20 to FY 21

§ 372 — TRANSFER OF FY 20 GENERAL FUND REVENUE TO FY 21

Transfers \$85 million in FY 20 General Fund revenue to FY 21

§ 373 — TRANSFER FROM GENERAL FUND TO FAMILY AND MEDICAL LEAVE INSURANCE TRUST FUND

Transfers \$5.1 million from the General Fund to the Family and Medical Leave Insurance Trust Fund for FY 20

§ 374 — GAAP DEFICIT

Deems that \$1 is appropriated in FY 21 to pay off the state's GAAP deficit for FYs 13 and 14

§ 375 — SPECIAL TAX OBLIGATION BOND ISSUANCE CAP

Eliminates the cap on the amount of STO bonds the treasurer may issue in FYs 19 and 20

§§ 376 & 397 — 7/7 PROGRAM REPEAL

Repeals the 7/7 program

§§ 377-383 — NONSTATE PUBLIC EMPLOYER HEALTH CARE PLANS

Allows the comptroller to offer other types of health care plans to nonstate public employers in addition to or instead of the state employee health plan, including other group hospitalization, medical, pharmacy, or other surgical insurance plans the comptroller develops; adds requirements related to such health plans and their premiums; and creates two reporting requirements for nonstate public employers and the comptroller, respectively

§ 384 — FIRST FIVE PLUS PROGRAM ASSISTANCE

Extends for four years (FYs 21 through 24) the time during which assistance provided under the First Five Plus program, through an agreement originally executed on December 22, 2011, is exempt from various statutory requirements

§ 385 — PAYROLL TAX INFORMATION RETURN AND ANALYSIS

Requires DRS to collect data needed to evaluate the implementation of an employer payroll tax; establishes a payroll commission to (1) hold informational forums on the tax, (2) analyze the data DRS collects, and (3) report its findings, recommendations, and estimates to the legislature

§§ 386-395 — REVENUE ESTIMATES

Adopts revenue estimates for FYs 20 and 21 for appropriated state funds

§ 396 — PASSPORT TO THE PARKS ACCOUNT TRANSFERS REPEALED

Repeals a transfer of funds from the account for specified environmental purposes

§ 397 — STEM GRADUATE TAX CREDIT REPEAL

Repeals the STEM graduate tax credit program

§ 399 — DEFICIENCY HEARINGS

Eliminates the requirement that the Appropriations Committee hold a public hearing on, and meet with, any state agency that has a potential deficiency

§ 400 — SALES AND USE TAX IMPOSED ON SAFETY APPAREL

Eliminates the sales and use tax exemption for safety apparel

§§ 1-10 — FY 20 AND 21 APPROPRIATIONS

Appropriates money for state agency operations and programs for FYs 20 and 21

The act appropriates money for state agency operations and programs in FYs 20 and 21. The table below shows the net annual appropriations for each year from each appropriated fund.

FY 20 and FY 21 Net Appropriations by Fund

§	Fund	Net Appropriation	
		FY 20	FY 21
1	General Fund	\$19,319,061,825	\$19,981,977,623
2	Special Transportation Fund (STF)	1,710,259,144	1,816,334,353
3	Mashantucket Pequot and Mohegan Fund	51,472,796	51,472,796
4	Regional Market Operation Fund	1,084,678	1,106,857
5	Banking Fund	27,634,009	28,762,882
6	Insurance Fund	104,196,680	113,257,201
7	Consumer Counsel and Public Utility Control Fund	27,426,276	28,495,325
8	Workers' Compensation Fund	28,024,178	28,653,645
9	Criminal Injuries Compensation Fund	2,934,088	2,934,088
10	Tourism Fund	13,144,988	13,069,988

EFFECTIVE DATE: July 1, 2019

§§ 11-15 & 51 — SPENDING REDUCTIONS AND BUDGETED LAPSES

Allows the OPM secretary to reduce allotments for state agencies and funds in order to achieve specified savings and budgeted lapses

Unallocated Budgeted Lapses by Branch (§§ 11 & 12)

For FYs 20 and 21, the act allows the Office of Policy and Management (OPM) secretary to reduce allotments for the executive and judicial branches of government in order to achieve unallocated lapses in the General Fund (see the table below). Under the act, judicial reductions must be as determined by the chief justice and chief public defender.

FY 20 and FY 21 General Fund Spending Reductions by Branch

Branch	FY 20	FY 21
Executive	\$29,015,570	\$26,215,570
Judicial	5,000,000	5,000,000

The act prohibits the OPM secretary from reducing allotments for the following in order to achieve the unallocated lapses:

1. aid to municipalities, including education equalization aid grants;
2. mental health and substance abuse services;
3. the Connecticut Children's Medical Center;

4. the Justice Education Center, Inc.;
5. the Connecticut Youth Employment Program;
6. fire training schools;
7. the Youth Violence Initiative;
8. Youth Services Prevention;
9. the Capitol Child Development Center;
10. the Probate Court; and
11. Juvenile Justice Outreach Services.

Budgeted Savings (§§ 13-15 & 51)

The act authorizes the OPM secretary to reduce allotments in any budgeted state agency (except where noted below) to achieve specified savings in the General Fund and STF. These amounts correspond to budgeted lapses designated as “Statewide Hiring Reduction,” “Pension and Healthcare Savings,” and “Contracting Savings Initiatives” in §§ 1 & 2 (see the table below).

FY 20 and FY 21 Budgeted Savings

§	Lapse	Fund	FY 20	FY 21
13	Statewide Hiring Reduction (Executive Branch)	General Fund	\$7,000,000	\$7,000,000
14	Pension and Healthcare Savings	General Fund	163,200,000	256,200,200
15		STF	18,300,000	19,700,000
51	Contracting Savings Initiatives (Executive Branch)	General Fund	5,000,000	15,000,000

In allowing the OPM secretary to reduce allotments to achieve the pension and healthcare savings, the act supersedes laws that, among other things:

1. require that the state budget act specify budgeted reductions by branch of government (CGS § 2-35);
2. require OPM, when preparing the governor’s budget recommendations for submission to the legislature, to include the expenditure estimates for the legislative branch, Judicial Department, and Public Defenders Services Division submitted by each respective agency (CGS § 4-73); and
3. allow the higher education constituent units to establish and administer operating funds (CGS §§ 10a-77, 10a-99, 10a-105, and 10a-143).

Under the act, any allotment reductions applied to the Connecticut State Colleges and Universities, UConn, or the UConn Health Center must be credited to the General Fund.

EFFECTIVE DATE: July 1, 2019

§ 16 — FEDERAL REIMBURSEMENT FOR DCF AND DSS PROJECTS

Authorizes DSS to establish receivables for anticipated federal reimbursement

For FYs 20 and 21, the act allows the departments of Children and Families (DCF) and Social Services (DSS), with OPM’s approval, to establish receivables for the anticipated federal reimbursement for approved projects. They must do so in compliance with any advanced planning documents approved by the federal Department of Health and Human Services.

EFFECTIVE DATE: July 1, 2019

§ 17 — APPROPRIATIONS FOR NONFUNCTIONAL – CHANGE TO ACCRUALS LINE ITEM ACCOUNTS

Bars the OPM secretary from allotting funds from the Nonfunctional – Change to Accruals line item accounts in the state’s appropriated funds

The act bars the OPM secretary from allotting funds from the Nonfunctional – Change to Accruals line item accounts in the state’s appropriated funds, regardless of the law requiring the governor, through OPM, to allot appropriations before they can be spent. These line items represent the change to accruals in agency budgets due to the conversion to generally accepted accounting principles (GAAP)-based budgeting.

EFFECTIVE DATE: July 1, 2019

§ 18 — AUTHORITY TO TRANSFER FUNDS TO AND FROM THE RESERVE FOR SALARY ADJUSTMENTS ACCOUNT

Allows the OPM secretary to transfer specified funds to implement and account for adjustments to various personal services expenses

The act authorizes the OPM secretary to transfer:

1. personal services appropriations in any appropriated fund from agencies to the Reserve for Salary Adjustments account to more accurately reflect collective bargaining and related costs and
2. General Fund appropriations for Reserve for Salary Adjustments to any agency in any appropriated fund to implement salary increases; other employee benefits; agency costs related to staff reductions, including accrual payments; agency personal services reductions; or any other authorized personal service adjustment.

EFFECTIVE DATE: July 1, 2019

§ 19 — COLLECTIVE BARGAINING AGREEMENT COSTS

Carries forward the unexpended portion of appropriated funds related to collective bargaining agreements and related costs and requires that the funds be used for the same purposes in FYs 20 and 21

The act carries forward the unexpended funds appropriated in the FY 18-19 budget that relate to collective bargaining agreements and related costs, as determined by the OPM secretary, and requires that the funds be used for the same purpose in FYs 20 and 21. It similarly carries forward the same unexpended funds appropriated for FY 20 and requires that they be used for the same purpose in FY 21.

EFFECTIVE DATE: Upon passage

§§ 20 & 21 — APPROPRIATION TRANSFERS AND ADJUSTMENTS TO MAXIMIZE FEDERAL MATCHING FUNDS

Authorizes the governor, subject to specified conditions, to transfer or adjust agency appropriations to maximize federal matching funds

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

The act also allows the governor, with FAC approval, to adjust agency appropriations to maximize federal funding to the state. The governor must report on any adjustment to the Appropriations and Finance, Revenue and Bonding committees.

EFFECTIVE DATE: July 1, 2019

§ 22 — TRANSFERS TO MEDICAID ACCOUNT

Authorizes the OPM secretary to transfer certain funds to DSS's Medicaid account to maximize federal reimbursement

The act allows the OPM secretary to transfer all or part of any General Fund appropriation for the UConn Health Center to DSS's Medicaid account to maximize federal reimbursement.

EFFECTIVE DATE: July 1, 2019

§ 23 — DSS PAYMENTS TO DMHAS HOSPITALS

Specifies how (1) DSS must spend appropriations for certain DMHAS hospital payments and (2) hospitals must use the funds they receive from DMHAS

The act requires DSS to (1) spend money appropriated to it for FYs 20 and 21 for Department of Mental Health and Addiction Services (DMHAS) – Disproportionate Share payments when and in the amounts OPM specifies and (2) make disproportionate share payments to DMHAS hospitals for operating expenses and related fringe benefits. It requires the hospitals to (1) use the funds they receive from DMHAS for fringe benefits to reimburse the comptroller and (2) deposit the other DMHAS funds they receive into “grants – other than federal accounts.” Unspent disproportionate share funds in these accounts lapse at the end of each fiscal year.

EFFECTIVE DATE: July 1, 2019

§ 24 — TRANSFER FOR BIRTH-TO-THREE PROGRAM

Requires SDE to transfer certain federal special education funds to OEC for the Birth-to-Three Program

For FYs 20 and 21, the act requires the State Department of Education (SDE) to transfer \$1 million of the federal special education funds it receives each year to the Office of Early Childhood (OEC) for the Birth-To-Three Program to carry out federally required special education responsibilities.

EFFECTIVE DATE: July 1, 2019

§ 25 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

Suspends rate adjustments for DCF-licensed private residential treatment facilities

For FYs 20 and 21, the act suspends per diem and other rate adjustments for private residential treatment facilities licensed by DCF.

EFFECTIVE DATE: July 1, 2019

§ 26 — DDS AND DMHAS COST SETTLEMENTS WITH PRIVATE AND NONPROFIT PROVIDERS

Requires certain private and nonprofit providers to reimburse DDS and DMHAS for the difference between actual costs and the amount received from the agencies

During FYs 20 and 21, the act requires organizations providing services under contract with the Department of Developmental Services (DDS) to reimburse the department at 80% of the difference between the actual expenses incurred and the amount the organization received from DDS under the contract. By October 1 of 2020 and 2021, DDS must provide the OPM secretary with a report detailing the amount of funding retained by contracted providers during the previous fiscal year and the purposes for which the providers used the funds.

During the same period, the act requires private and nonprofit organizations providing services under contract with DMHAS to reimburse the department at 100%, or an alternate amount identified by the DMHAS commissioner, of the difference between the actual expenses incurred and the amount the organization received from DMHAS under the contract.

EFFECTIVE DATE: July 1, 2019

§§ 27, 38, 42 & 43, 49, 52 & 53 — FUNDS CARRIED FORWARD

Carries forward certain agencies' unspent funds and requires that they be used in FYs 20 & 21

Funds Carried Forward for a Different Purpose

The act carries forward prior years' appropriations to FY 20 and requires that they be used for other purposes in the same agency, as shown in the table below.

Funds Carried Forward for a Different Purpose

§	Agency	Prior Purpose	New Purpose	Amount
27	OEC	Care4Kids TANF/CCDF	Child care provider reimbursement rate increases	Unspent balance
43 (c)	Secretary of the State (SOTS)	Other Expenses	Voter registration at higher education institutions and voter registration agencies	Up to \$40,000

Funds Carried Forward for the Same Purpose

The act carries forward various unspent balances from prior years' appropriations and requires that they be used for the same purpose in FY 20, rather than lapsing at the end of FY 19 (see the table below).

Funds Carried Forward for the Same Purpose

§	Agency	Purpose	Amount
38	DSS	Medicaid	\$17,600,000
49	Office of Legislative Management (OLM)	Personal Services	Up to \$400,000
52	Department of Administrative Services (DAS)	Other Expenses, Office of the Claims Commissioner	Up to \$50,000
53	State Comptroller	Fringe Benefits Higher Education Alternative Retirement System	Up to \$13,000,000

Funds Carried Forward and Transferred

The act carries forward to FY 20 and transfers the amounts shown in the table below.

Funds Carried Forward and Transferred

§	Agency	From	To	Amount
42	OPM	Tax Relief for Elderly Renters	Other Expenses, to support procurement streamlining efforts	\$500,000
43 (a)	SOTS	Personal Services	Other Expenses, to support voter registration at higher education institutions and voter registration agencies	Up to \$20,000
43 (b)		Commercial Recording Division		Up to \$90,000

EFFECTIVE DATE: Upon passage

§ 28 — PRIVATE PROVIDER WAGE INCREASES

Allows the OPM secretary to allocate certain appropriated funds to increase the wages of private provider employees in order to comply with the minimum wage increase

The act allows the OPM secretary to allocate funds appropriated to OPM, for Private Providers, and transfer the funds to affected agencies, in order to increase the wages of such providers' employees to comply with the state minimum wage increase. Within available appropriations, the secretary must reimburse the private providers for the cost of employer taxes, benefit expansion, and other costs associated with the wage increases. By June 1 of 2020 and 2021, providers must provide documentation to the secretary that the funds will be used only to increase employee wages. (PA 19-4 increases the state's minimum wage from \$10.10 per hour to \$15 per hour in five steps beginning October 1, 2019.)
EFFECTIVE DATE: July 1, 2019

§ 29 — REGIONAL COUNCILS OF GOVERNMENT

Requires the OPM secretary to distribute certain funds to regional COGs according to a statutory formula

For FYs 20 and 21, the act requires the OPM secretary to distribute to regional councils of government (COGs) \$4,106,250 from the funds that the law requires be deposited in the regional planning incentive account. The funds must be used for regional services grants and be distributed according to the statutory formula for such grants. The funds are in addition to the amount COGs receive under the existing statutory formula.
EFFECTIVE DATE: July 1, 2019

§ 30 — COMMUNITY INVESTMENT ACCOUNT TRANSFER

Requires that certain community investment account funds be transferred to the agriculture sustainability account

In each of FYs 20 and 21, the act requires that \$1.5 million be transferred from the community investment account to the agriculture sustainability account.
EFFECTIVE DATE: July 1, 2019

§§ 31-33, 35, 39 & 40 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for various purposes in FYs 20 and 21

The act reserves certain amounts from line items in agency budgets for various purposes in FYs 20 and 21, as shown in the table below.

Reserved Amounts for FY 20 and FY 21 Line Item Appropriations

§	Agency	Appropriation For	Reserved For	Amount	FY
31	Department of Agriculture (DoAg)	Other Expenses	Grants to New London County 4-H Camp (\$40,000) and the Ellington Farmer's Market (\$15,000)	\$55,000	20 & 21
32	State Comptroller	Other Expenses	Grant to the Women's Business Development Council in Stamford	450,000	20 & 21
33	Department of Transportation (DOT)	Other Expenses	Grant for the Thames River Heritage Park Water Taxi	100,000	20 & 21

Reserved Amounts for FY 20 and FY 21 Line Item Appropriations (continued)

§	Agency	Appropriation For	Reserved For	Amount	FY
35 (a)	SDE	Technical High Schools Other Expenses	Grant to Career Pathways TECH Collaborative	125,000	20 & 21
35 (b)		After School Program	Grants of up to \$10,000 to FIRST Robotics Competition Teams in municipalities with populations of more than 50,000	50,000	20 & 21
35 (c)		Connecticut Writing Project	Grants to UConn and Fairfield University for the project's operation	20,250	20 & 21
35 (d)		Interdistrict Cooperation	Grant to Project Oceanology in Groton	463,479	20 & 21
35 (e)		Bridges to Success	Grant to Bridge Family Center in West Hartford	27,000	20 & 21
35 (f)		Neighborhood Youth Centers	Grant to East Hartford YMCA (\$25,000) and Wilson-Gray YMCA (\$150,000)	175,000	20 & 21
39	Department of Energy and Environmental Protection (DEEP)	Other Expenses	Grants (\$20,000 each) to Sherman for an air quality study and to the Middlesex County Fire School for Phase I & II environmental assessments	40,000	20

The act also requires DEEP to provide a \$100,000 grant from its FY 19 “Other Expenses” appropriation to the Connecticut Fund for the Environment for West River Watershed projects (§ 40).

EFFECTIVE DATE: July 1, 2019, except that the section regarding a grant for the West River Watershed is effective upon passage.

§ 34 — PROBATE COURT ADMINISTRATION FUND

Requires that the fund's balance at the end of FY 19 remain in the fund

Under existing law, if there is a balance in the Probate Court Administration Fund on June 30 exceeding 15% of its authorized expenditures in the coming fiscal year, then that excess is transferred to the General Fund. The act suspends this provision for FY 19 by requiring that any balance in the fund as of June 30, 2019, remain there.

EFFECTIVE DATE: Upon passage

§ 36 — STUDENTS FIRST INITIATIVE REPORT

Requires BOR to biannually report specified information on the Students First Initiative

The act requires the Board of Regents for Higher Education (BOR) to biannually report, to the Higher Education and Employment Advancement Committee and the Higher Education Consolidation Committee, on the implementation status of the Students First Initiative to merge all Connecticut community colleges into a single institution. BOR must submit the reports by January 1, 2020; July 1, 2020; January 1, 2021; and June 30, 2021, and include the following for each reporting period:

1. a summary of the personnel changes made to implement the initiative’s administrative consolidation portion;
2. an estimate of the total annual cost or savings anticipated as a result of such personnel changes;
3. an updated five-year budget projection for the regional community-technical college system, with the impact of Students First specifically identified; and
4. copies of all written communication between BOR and the New England Commission of Higher Education.

EFFECTIVE DATE: July 1, 2019

§ 37 — DOH REPORT ON RENTAL ASSISTANCE PROGRAM

Requires DOH to submit a report with certain information regarding its rental assistance program and DCF-involved families

By December 15 of 2019 and 2020, the act requires the Department of Housing (DOH), in collaboration with DCF, to submit to the Appropriations Committee a report detailing the following information for the immediately preceding fiscal year:

1. number of DCF-involved families accepted into DOH’s rental assistance program from the program’s waitlist,
2. services provided to such families as part of the program,
3. average cost of services per family,
4. average number of days that families participated in the program, and
5. outcomes for participating families six months after leaving the program.

EFFECTIVE DATE: July 1, 2019

§ 41 — NORTH BRANCH PARK RIVER REGIONAL WATERSHED

Provides funds from the Passport to the Parks account to the North Branch Park River regional watershed in FY 19

The act requires DEEP to pay \$20,000 from the Passport to the Parks Account to the North Branch River regional watershed by June 30, 2019.

EFFECTIVE DATE: Upon passage

§ 44 — PAYMENTS TO FUND THE UNFUNDED LIABILITY ATTRIBUTED TO CERTAIN EMPLOYEES

Requires the state comptroller to fund the portion of the state employees’ retirement system fringe benefit recovery rate that is attributable to the unfunded liability of the system for certain employees

The act requires the state comptroller to fund, for the UConn Health Center in FY 20 and community college system in FYs 20 and 21, the portion of the State Employees’ Retirement System (SERS) fringe benefit recovery rate that is attributable to the system’s unfunded liability. The funding (1) covers employees who are not supported by General Fund resources (see the table below) and (2) must be provided from the amounts appropriated to the comptroller for SERS unfunded liability.

Payments to Fund the Unfunded Liability Attributed to Certain Employees

<i>Entity</i>	<i>Amount</i>	<i>FY</i>
UConn Health Center	\$33,200,000	20
Community College System	8,200,000	20
	20,350,000	21

EFFECTIVE DATE: July 1, 2019

§ 45 — RATE REDUCTIONS FOR READMISSION

Exempts certain facilities and readmissions from reductions to rate payments for readmission

For FYs 20 and 21, the act exempts (1) mental health readmissions and (2) readmissions at the Connecticut Children’s Medical Center and Yale New Haven Children’s Hospital from the DSS commissioner’s authority to reduce rate payments to a hospital for a readmission. Under the act, “readmission” means, in the case of a person discharged

from an applicable hospital, admitting the person for observation services for the same or similar diagnosis or diagnoses within 30 days after the discharge date.

EFFECTIVE DATE: July 1, 2019

§ 46 — NONPARTISAN LEGISLATIVE EMPLOYEES

Requires OLM to give nonpartisan legislative employees FY 20 and FY 21 wage increases that are consistent with those provided to most collective bargaining state employees under the 2017 SEBAC Agreement

The act requires OLM, for FYs 20 and 21, to apply to nonpartisan legislative employees terms that are consistent with the 2017 State Employees Bargaining Agent Coalition (SEBAC) Agreement's provisions on wage increases for collective bargaining state employees (e.g., a 3.5% wage increase in each fiscal year).

EFFECTIVE DATE: July 1, 2019

§ 47 — DSS RECEIVABLE FOR FEDERAL REIMBURSEMENT FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

Allows DSS to establish a receivable for FY 19 for the anticipated reimbursement from the federal Centers for Medicare and Medicaid Services

For FY 19, the act allows DSS, with OPM's approval, to establish a receivable for the anticipated reimbursement from the Centers for Medicare and Medicaid Services to support the federal share of costs for rate changes associated with applying an adjustment factor to the payment methodology under diagnosis-related groups and one-time hospital supplemental payments made under DSS's Medicaid Account.

EFFECTIVE DATE: Upon passage

§ 48 — YOUTH SERVICES GRANTS

Specifies how funds appropriated in FYs 20 and 21 to the judicial branch for youth services grants must be distributed

The act appropriates \$3,311,078 in both FYs 20 and 21 to the judicial branch for Youth Services Prevention (§ 1). It also specifies the grant amount for certain organizations, totaling \$3,160,997 in each fiscal year.

EFFECTIVE DATE: July 1, 2019

§ 50 — HOSPITAL SETTLEMENT

Requires the General Assembly to adjust the FY 20-21 biennial budget if it approves a settlement with hospitals, including making \$190 million available from the General Fund

Under the act, if the General Assembly approves a comprehensive court settlement between the state and hospitals on all their outstanding litigation and administrative matters concerning Medicaid reimbursement and hospital tax user fees, the General Assembly must adjust the FY 20 to 21 biennial budget to reflect the state's costs and revenues related to the settlement.

To partially fund the state's settlement costs, the act requires the budget adjustment to:

1. transfer \$160 million from the General Fund in FY 19 for FYs 20 and 21 and
2. allocate \$30 million from the General Fund in FY 20.

The act also requires the parties to take all steps necessary to effectuate such a settlement, including collaborating to establish quality measures to improve overall health outcomes and patient experience and reduce unnecessary costs and readmissions. Under the act, a readmission occurs when an individual is admitted to the hospital for observation services within 30 days after being discharged for the same or similar diagnosis.

EFFECTIVE DATE: Upon passage

§§ 54 & 55 — PAYMENTS IN LIEU OF TAXES (PILOT) GRANTS

Allocates PILOT grant amounts for FYs 20 and 21

The act specifies the grant amounts payable to eligible municipalities for college and hospital property and state-owned property. It allocates a total of (1) \$54.9 million annually in FYs 20 and 21 for state-owned property and (2) \$109.9 million annually in FYs 20 and 21 for college and hospital property. It requires that the grants be paid by October 31 of each year.

In doing so, it overrides statutory requirements that PILOTs for FYs 20 and 21 be reduced, according to a statutory formula, if the amount appropriated was not enough to fund the full amount to every municipality or special taxing district.

EFFECTIVE DATE: July 1, 2019

§ 56 — MUNICIPAL REVENUE SHARING GRANTS

Eliminates the municipal revenue sharing grants for all but five municipalities and specifies their amounts for FYs 20 and 21

For FYs 20 and 21, the act eliminates municipal revenue sharing grants for all but five municipalities (Bridgeport, Hartford, Mansfield, New Haven, and Waterbury) and specifies the amounts payable to each one by October 31 of each year. It allocates a total of \$36.8 million annually in FYs 20 and 21.

EFFECTIVE DATE: July 1, 2019

§ 57 — MUNICIPAL STABILIZATION GRANTS

Provides municipal stabilization grants to certain municipalities for FYs 20 and 21

For FYs 20 and 21, the act allocates municipal stabilization grants to specified municipalities and requires that the grants be paid by October 31 of each year. It allocates a total of \$38 million in FY 20 and \$38.3 million in FY 21.

EFFECTIVE DATE: July 1, 2019

§ 58 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS

Allocates the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund for FYs 20 and 21

For FYs 20 and 21, the act specifies the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund. In doing so, it overrides the statutory formulas and requirements for the grants. It awards a total of \$51.5 million annually in FYs 20 and 21.

EFFECTIVE DATE: July 1, 2019

§§ 59-66 — FY 19 DEFICIENCY APPROPRIATIONS AND REDUCTIONS

Makes deficiency appropriations and corresponding reductions for FY 19 in four appropriated funds

The act (1) appropriates a total of \$72,740,399 from four appropriated funds to cover deficiencies in various state agencies and programs for FY 19 and (2) reduces appropriations to various state agencies and programs for FY 19 by the same amount, as shown in the tables below.

FY 19 Additional Appropriations

<i>Fund</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
General Fund	DMHAS	Personal Services	\$3,600,000
		Workers Compensation Claims	600,000
	OEC	Care4Kids TANF/CCDF	14,300,000
	DOC	Personal Services	34,900,000
		Inmate Medical Services	10,000,000
DCF	Board and Care for Children - Foster	4,500,000	
STF	State Comptroller - Fringe Benefits	State Employees Health Service Cost	1,000,000
		Other Post-Employment Benefits	141,000
	DAS	State Insurance and Risk Management Operations	1,800,000
Banking Fund	Department of Banking	Fringe Benefits	299,399
Insurance Fund	Department of Insurance	Fringe Benefits	1,600,000

FY 19 Appropriation Reductions

<i>Fund</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
General Fund	OLM	Personal Services	(250,000)
	State Comptroller	Personal Services	(900,000)
	State Comptroller-Fringe Benefits	Unemployment Compensation	(2,800,000)
		Insurance - Group Life	(500,000)
		State Employees Health Service Cost	(17,000,000)
	DRS	Personal Services	(2,000,000)
	OPM	Reimbursement to Towns for Loss of Taxes on State Property	(250,000)
	Department of Veterans Affairs	Personal Services	(700,000)
	Office of the Attorney General	Personal Services	(600,000)
	DCP	Personal Services	(500,000)
	DDS	Personal Services	(3,000,000)
		Behavioral Services Program	(3,000,000)
	DSS	Personal Services	(2,600,000)
		Aid to the Disabled	(1,900,000)
		Temporary Family Assistance	(11,600,000)
		Connecticut Home Care Program	(12,000,000)
		Hospital Supplemental Payments	(3,000,000)
	SDE	Commissioner's Network	(250,000)
		Charter Schools	(2,000,000)
	OEC	Early Care and Education	(2,000,000)
	State Library	Personal Services	(150,000)
	OHE	Personal Services	(400,000)
	Judicial Department	Personal Services	(500,000)

FY 19 Appropriation Reductions (continued)

<i>Fund</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
STF	DMV	Personal Services	(241,000)
	DOT	Personal Services	(1,400,000)
		Rail Operations	(300,000)
		Non-ADA Dial-A-Ride Program	(1,000,000)
Banking Fund	Judicial Department	Foreclosure Mediation Program	(299,399)
Insurance Fund	DPH	Immunization Services	(1,600,000)

EFFECTIVE DATE: Upon passage

§ 67 — COLLEGE CONNECTIONS PROGRAM

Requires the BOR to waive tuition and fees for Ansonia High School students who participate in the College Connections program at Derby High School

The act requires, beginning in FY 20, the Board of Regents for Higher Education (BOR) to waive tuition and fees for Ansonia High School students who participate in the College Connections program at Derby High School. The amount of the waiver each fiscal year equals the appropriation for this purpose.

The College Connections program enables high school students to take community college courses in advanced manufacturing and receive both high school and college credit.

EFFECTIVE DATE: Upon passage

§ 68 — DEPARTMENT OF CORRECTION'S OMBUDSMAN SERVICES

Requires DOC to hire an ombudsman to provide certain ombudsman services to individuals age 18 or younger who are in the DOC commissioner's custody

The act requires the Department of Correction (DOC) commissioner to (1) hire someone to provide ombudsman services to individuals age 18 or younger in the commissioner's custody ("individuals in custody") and (2) annually report the ombudsman's name to the Judiciary Committee. It also allows the commissioner to hire an executive assistant to help carry out the ombudsman's duties under the act. The commissioner may do so in addition to the executive assistant positions already authorized under existing law. Under the act, among other things, "ombudsman services" includes taking and investigating complaints from such individuals in custody regarding the department's decisions or policies.

Prior to obtaining ombudsman services, the act requires the individuals in custody to reasonably pursue a resolution of the complaint through any existing internal DOC grievance procedures.

Ombudsman Services Defined

Under the act, the services that the ombudsman provides (i.e., "ombudsman services") include:

1. taking complaints regarding DOC's decisions, actions or omissions, policies, procedures, rules, and regulations;
2. investigating these complaints, rendering a decision on the merits of each complaint, and communicating the decision to the complainant;
3. recommending, to the commissioner, a resolution of any complaint found to have merit;
4. recommending policy revisions to the department; and
5. publishing a quarterly report of all ombudsman services activities.

Confidentiality and Exceptions

Under the act, with certain exceptions, all oral and written communications, and related records, between an individual in custody and the ombudsman, or a member of the ombudsman's staff, must be confidential and may not be disclosed without the individual's consent.

The act allows the ombudsman to disclose, without the individual's consent, communications and related records (e.g., the identity of a complainant, the details of a complaint, and the ombudsman's investigative findings and conclusions) that are necessary (1) for the ombudsman to conduct an investigation and (2) to support any recommendations the ombudsman may make. The ombudsman may also disclose, without the individual's consent, the formal disposition of a complaint when requested in writing by a court hearing an application for a writ of habeas corpus filed after an adverse finding by the ombudsman on the complaint.

Disclosure of Criminal Acts or Threats to Health and Safety

Regardless of the confidentiality provisions, the act requires the ombudsman to notify the DOC commissioner or a facility administrator when, in the course of providing ombudsman services, the ombudsman or a member of the ombudsman's staff becomes aware of the commission or planned commission of a criminal act or a threat to the health and safety of anyone or the security of a correctional facility.

Under the act, if the commissioner reasonably believes that an individual 18 years or younger who is in custody has made or provided to the ombudsman an oral or written communication concerning a safety or security threat within the department or directed against a DOC employee, the ombudsman must provide the commissioner all oral or written communications relevant to the threat.

EFFECTIVE DATE: July 1, 2019

§ 69 — WAIVERS FOR CERTAIN HOUSING AUTHORITIES

Extends indefinitely a requirement that certain municipalities waive payments due from certain state-financed housing authorities

The act extends indefinitely a requirement that certain municipalities waive payments due from certain state-financed housing authorities if the DOH does not make a payment on the authorities' behalf.

Existing law (1) requires state-financed housing authorities for moderate rental housing projects to make payments to the municipality in which the project is located instead of paying property taxes, special benefit assessments, and sewer system use charges and (2) authorizes DOH to make these payments on a housing authority's behalf under the Moderate Rental Payment in Lieu of Taxes (PILOT) Program (CGS § 8-216).

Under prior law, municipalities to which DOH made a Moderate Rental PILOT Program payment on a housing authority's behalf in FY 15 were required to waive the above payments in FYs 16 to 19. The act instead requires these same municipalities to waive such payments in any year when a Moderate Rental PILOT Program payment is not made on an authority's behalf.

EFFECTIVE DATE: October 1, 2019

§ 70 — MOTOR VEHICLE PROPERTY TAX GRANTS

Modifies the formula used to calculate motor vehicle property tax grants owed to municipalities for FYs 20 and 21; requires three West Haven fire districts to receive additional grants in FY 20

For FYs 20 and 21, the act changes the formula for calculating the municipal grants that reimburse municipalities for a portion of the revenue loss attributed to the motor vehicle property tax cap. The act refers to these grants as "municipal transition grants," rather than motor vehicle property tax grants. By law, municipalities are eligible for these grants if they impose a mill rate on real and personal property, other than motor vehicles, that is greater than 45 mills (i.e., the capped motor vehicle mill rate).

Under prior law, the grant amount for FY 20 and thereafter equaled the difference between the (1) amount of property taxes a municipality, and any tax district therein, levied on motor vehicles for FY 18 and (2) levy amount for that year at the capped rate (45 mills) (CGS § 4-66l(c)(2)).

Under the act, the FY 20 grant is equal to the difference between the (1) amount of property taxes a municipality, and any tax district therein, levied on motor vehicles for FY 18 and (2) levy amount for that year at the same mill rate the municipality imposed on real and personal property other than motor vehicles. The FY 21 grant is calculated using the same formula, but based on FY 19 data.

The act also requires the following fire districts in West Haven to receive specified grant amounts in FY 20 in addition to any other municipal transition grant required under the act:

1. Allingtown (\$160,170),

2. West Shore (\$80,000), and
 3. First Center (\$80,000).
- EFFECTIVE DATE: July 1, 2019

§ 71 — MUNICIPAL GAMING ACCOUNT AND GRANTS TO MUNICIPALITIES

Provides grants from the municipal gaming account to two additional municipalities and reduces the amount each municipality annually receives from \$750,000 to \$625,000

Existing law establishes conditions under which MMCT Venture, LLC may operate an off-reservation commercial casino gaming facility in the state and, among other things, requires it to pay the state 25% of the gross gaming revenue from video facsimile games once the casino is operational. Of the video facsimile payments, \$7.5 million must be annually deposited into the municipal gaming account. The act adds West Hartford and Windsor to the list of municipalities receiving annual grants. As under existing law, the Office of Policy and Management must annually disperse grants to Bridgeport, East Hartford, Ellington, Enfield, Hartford, New Haven, Norwalk, South Windsor, Waterbury, and Windsor Locks.

By law, the grants are reduced proportionately in any fiscal year that the total grant amount exceeds the available funds. Since the act does not increase the overall amount that must be deposited into the fund, the act decreases the amount each municipality receives from \$750,000 to \$625,000.

EFFECTIVE DATE: July 1, 2019

§ 72 — DPH CHILDREN'S HEALTH INITIATIVES

Incorporates DPH's children health initiatives into the list of programs funded through the Insurance Fund by the public health fee on domestic health carriers

PA 17-4, June Special Session moved the Department of Public Health's (DPH) Children's Health Initiatives account from the General Fund to the Insurance Fund.

This act makes a corresponding change by requiring the Office of Policy and Management secretary, by September 1 annually and in consultation with the DPH commissioner, to determine the amounts appropriated for these children's health initiatives and inform the insurance commissioner. This incorporates these initiatives into the public health fee that the insurance commissioner assesses against domestic health insurers and HMOs, to fund certain DPH programs.

Under existing law, these provisions already apply to the following DPH initiatives: (1) syringe services program, (2) AIDS services, (3) breast and cervical cancer detection and treatment, (4) x-ray screening and tuberculosis care, and (5) sexually transmitted disease control.

EFFECTIVE DATE: July 1, 2019

§§ 73 & 74 — REPLACEMENT PUBLIC WELL

Allows (1) DPH to approve the location of a replacement public well in Ledyard if certain conditions are met and (2) the local health director to issue a permit for the well

If certain conditions are met, the act allows DPH to approve the location of a replacement public well in Ledyard that does not meet the state's sanitary radius and minimum setback requirements for these water sources. If DPH approves the location, the act allows the local health director to issue a permit for the replacement public well, but by no later than March 1, 2020.

Under the act, DPH may approve the location if the replacement public well is:

1. needed by the water company to maintain and provide safe and adequate water to its customers;
2. located in an aquifer of adequate water quality, as determined by historical water quality data from the water supply source it is replacing; and
3. located in a more protected location than the water supply source it is replacing, as determined by DPH.

EFFECTIVE DATE: October 1, 2019, for DPH's location approval, and upon passage for Ledyard's permit issuance authority.

§ 75 — SAFE DRINKING WATER PRIMACY ASSESSMENT

Requires water companies that own community or non-transient, non-community water systems to pay DPH a safe drinking water primacy assessment in FYs 19 to 21; allows water companies that own community water systems to recover the assessment from customers

In FYs 19 to 21, the act requires water companies that own community or non-transient, non-community water systems to annually pay the Department of Public Health (DPH) a safe drinking water primacy assessment. The assessment's purpose is to support DPH's ability to maintain primacy under the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300f et seq.). Under the SDWA, the federal Environmental Protection Agency (EPA) delegates primary enforcement responsibility ("primacy") for public water systems to states if they meet certain requirements.

Among other things, the act (1) allows water companies that own community water systems to recover the assessment from customers, (2) exempts state agencies from the assessment, and (3) allows the DPH commissioner to adopt implementing regulations.

(PA 17-2, June Special Session (§ 676) already required water companies that own community public water systems or non-transient, non-community public water systems to pay to DPH a safe drinking water primacy assessment in FY 19, up to a total assessment of \$2.5 million.)

EFFECTIVE DATE: Upon passage

Definitions

Under the act, a "public water system" is a water company that supplies drinking water to 15 or more consumers or 25 or more people daily at least 60 days per year.

A "community water system" is a public water system that regularly serves at least 25 residents. A "non-community water system" is a public water system that serves at least 25 people at least 60 days per year and is not a community water system.

A "non-transient, non-community water system" is a non-community water system that regularly serves at least 25 of the same people for at least six months per year.

Assessment Amount and Procedure

The act requires DPH, by January 1, 2020, and again by January 1, 2021, to issue invoices to the affected water companies for the safe drinking water primacy assessment. The following table lists the assessment amounts and payment due dates.

Assessment Amounts and Due Dates

System Type	Amount	Due Dates
Community water system	If fewer than 50 service connections: \$125	May 1 (100% due)
	If 50 to 99 service connections: \$150	May 1 (100% due)
	If 100 or more service connections: an amount set by the DPH commissioner, up to \$3 per connection	March 1 (50% due) May 1 (remaining 50% due)
Non-transient, non-community water system	\$125	March 1 (100% due)

The act also provides that:

1. if one water company acquires another, the purchaser must pay the assessment and
2. if a company fails to pay any part of the assessment within 30 days after the due date, DPH may impose a 1.5% fee for each month of nonpayment beyond the initial 30-day period (unless it is a municipal water company, which is subject to a 9.0% fee per year (CGS § 12-38)).

Service Connection Statements

By August 1, 2019, and then again by August 1, 2020, the act requires DPH to issue a statement to each water company that owns a community water system. That statement must show the number of service connections, and the source of that number, that each system has listed in the department's record as of the date the statement is issued. For this purpose, DPH must combine the number of connections of all water systems owned and operated by the same company for a total count of service connections.

Under the act, if a water company disagrees with the number of service connections listed in the statement, the company has 30 days after the statement's issuance to report to DPH the accurate number of connections it serves. These companies must do so in a form and manner DPH prescribes.

The act specifies that service connections do not include service pipes used only for fire service or irrigation purposes.

Assessment Termination

Under the act, the requirement for water companies to pay the assessment terminates immediately if DPH no longer maintains primacy under the SDWA. This applies whether primacy is removed by the EPA or any other action by a state or federal authority.

If the assessment is terminated and not reinstated within 180 days, the water company must credit its customers for any assessment amount that it collected in advance but is no longer required to pay DPH.

Assessment Recovery

The act allows water companies that own community water systems to collect the assessment from their customers using fees based on each customer's pro rata share of the assessment. The companies may adjust the amount to reflect the bad debt component and surplus or deficit related to their primacy assessment for the prior billing period.

Under the act, water companies may charge the pro rata assessment without going through the standard rate change approval process, provided the fee appears as a separate item, identified as an assessment, on each customer's bill. Such charges are subject to the same past due and collection procedures, including interest charges, that apply to the company's other authorized charges.

DPH Reporting and Comment Period

The act requires DPH, in consultation with OPM and by October 1, 2019, and again by October 1, 2020, to post on its website the:

1. staff and costs to support DPH's ability to maintain primacy under the SDWA, considering funding from state and federal sources (in an amount constituting the current fiscal year's total assessment amount) and
2. assessment amounts due, based on the posted costs and in accordance with the act's requirements.

The act also requires DPH, by November 1, 2019, and again by November 1, 2020, to post on its website a report on:

1. resources, activities, and costs that support DPH's ability to maintain primacy under the SDWA in the previous fiscal year;
2. the number of full-time equivalent positions that performed the required functions to maintain primacy in the previous fiscal year; and
3. quality improvement strategies the department deployed to streamline operations to efficiently and effectively use staff and resources.

The act requires the commissioner to provide for a 30-day comment period after posting the report online. After that period, and no later than the following January 1, the commissioner must submit the report and a summary of the public comments to the governor and the Public Health Committee.

§§ 76-77 & 398 — PRORATED PAYMENTS TO MUNICIPAL HEALTH DEPARTMENTS AND HEALTH DISTRICTS

Requires DPH to reduce payments on a pro rata basis to municipal and district health departments if the payments in a fiscal year exceed the amount appropriated

The act requires DPH to reduce, on a proportional basis, payments to municipal and district health departments if the payments in a fiscal year exceed the amount appropriated for that year.

To receive such funding, existing law requires that, among other things, (1) municipalities have a full-time health department and a population of at least 50,000 and (2) health districts have a total population of at least 50,000 or serve three or more municipalities, regardless of their combined total population.

The act also repeals an obsolete provision.

EFFECTIVE DATE: July 1, 2019

§ 78 — USE OF BOND PREMIUM

Delays by two years, from July 1, 2019, to July 1, 2021, the requirement that the treasurer direct bond premiums to an account or fund to pay for previously authorized capital projects

The act delays by two years, from July 1, 2019, to July 1, 2021, the requirement that the treasurer direct bond premiums to an account or fund to pay for previously authorized capital projects. (A bond premium is the extra, up-front payment investors make in exchange for a higher interest rate on the bonds.)

Prior law required the treasurer to direct bonds premiums as follows:

1. until July 1, 2019, bond premiums (as well as accrued interest and net investment earnings on bond proceed investments) were required to be directed into the General Fund after paying bond issuance costs and interest on state debt and
2. beginning July 1, 2019, bond premiums on general obligation (GO) and credit revenue bond issuances, net of any original issue discount, and after paying the issuance costs, were required to be directed to an account or fund to pay for previously authorized capital projects.

The act delays this requirement to July 1, 2021, thus requiring the treasurer to continue directing bond premiums to the General Fund (after paying bond issuance costs and interest on state debt) until then.

EFFECTIVE DATE: Upon passage

§ 79 — PURA PROCUREMENT MANAGER

Eliminates the procurement manager position within PURA and instead allows the PURA chairperson to assign staff to fulfill the procurement manager's duties

The act removes a requirement that the Public Utilities Regulatory Authority (PURA) include a procurement manager who (1) oversees procuring electricity for standard service (the electricity sold to customers who choose not to buy their power from a retail electric supplier) and (2) has experience in energy markets and procuring energy on a commercial scale.

It instead requires PURA's chairperson to assign authority staff to fulfill the procurement manager's duties where required in the energy statutes. These duties include (1) developing a plan, in consultation with the electric distribution companies, for procuring the electricity sold under their standard service offers (CGS § 16-244m) and (2) consulting with the DEEP commissioner on various solicitations for energy (e.g., Class I renewable energy sources (CGS § 16a-3f)).

EFFECTIVE DATE: July 1, 2019

§ 80 — PURA COMMISSIONERS

Increases the number of PURA commissioners from three to five

The act increases the number of the PURA commissioners from three to five. It requires the governor to appoint three commissioners to PURA between July 1, 2019, and May 1, 2020. (The term of one of the current PURA commissioners expired on June 30, 2019.) By law, the commissioners are subject to confirmation by both the House and Senate.

The act staggers the terms of the current and new commissioners as shown in the table below.

PURA Commissioner Terms Under the Act

<i>Appointed and Confirmed</i>	<i>Term Expires</i>
February 1, 2018 – June 1, 2018	March 1, 2022
February 1, 2019 – June 1, 2019	March 1, 2024
July 1, 2019 – May 1, 2020 (three new appointees)	March 1, 2021 March 1, 2023 March 1, 2023
On or after May 1, 2020	Four-year term (as under prior law)

The act also makes corresponding changes related to increasing the number of commissioners. It increases, from two to three, the maximum number of commissioners who may be from the same political party. It also allows (1) the PURA chairperson to assign a panel of three or more commissioners, rather than one or more, to consider a matter before PURA and (2) the panel to designate one or more of its members, rather than one or two, to conduct a hearing on the matter.

Lastly, the act makes technical and conforming changes that remove obsolete provisions.
EFFECTIVE DATE: July 1, 2019

§ 81 — RESIDENT STATE TROOPER FRINGE FUNDING

Beginning FY 20, the comptroller must annually pay 50% of the portion of the state employees' retirement system fringe recovery rate attributable to the unfunded liability of the system

By law, a town participating in the resident state trooper program pays, among other things, 100% of the overtime costs and the portion of fringe benefits directly associated with these costs. Under the act, beginning with FY 20, the comptroller must pay 50% of the portion of the state employees' retirement system fringe recovery rate attributable to the unfunded liability of the system from the resources appropriated for State Comptroller-State Employees' Retirement System Unfunded Liability.

EFFECTIVE DATE: July 1, 2019

§§ 82-90 — CONNECTICUT TEACHERS' RETIREMENT FUND BONDS SPECIAL CAPITAL RESERVE FUND (TRF-SCRF)

Creates the TRF-SCRF to further secure state payment of pension bonds and appropriates \$380.9 million to deposit in it; authorizes the redirection of CLC revenues to the TRF-SCRF if funding falls below the minimum required amount; makes changes to the TRS actuarial funding methodology; modifies one type of TRS benefit

TRF-SCRF (§§ 82-85 & 90)

The act establishes the TRF-SCRF and appropriates \$380.9 million in FY 19 to the Treasurer's Debt Service for deposit in the TRF-SCRF. The act states that (1) the TRF-SCRF's purpose is to provide adequate protection for holders of pension obligation bonds (POBs) issued in 2008 by further securing the payment of the principal and interest of the bonds and (2) it is determined that the fund provides such protection. The funds held in the TRF-SCRF must be pledged to payment on the bonds the TRF-SCRF secures.

Under the act, if the level of the fund falls below the required minimum capital reserve amount, the Connecticut Lottery Corporation (CLC) must pay the TRF-SCRF trustee the amount that the corporation would have otherwise transferred to the General Fund. "Required minimum capital reserve" is the highest remaining annual payment, including principal and interest, for the POBs.

Under the act, the state pledges to the holders of POBs and any related refunding bonds, that the state will not limit or alter their rights or reduce the transfer or deposit of money into the fund under the act's provisions unless (1) all the bonds are fully paid or (2) provision for payment of the bonds has been made and the amount of the fund's annual required contribution for the Teachers' Retirement System (TRS) is determined in accordance with the TRS actuarial standards in law at the time the bonds were issued. However, the act also provides that nothing contained in it precludes limitations, alterations, or reductions if adequate provision is made by law for the protection of the holders of such bonds.

TRF-SCRF Trust. The act requires the TRF-SCRF be held in trust, separate and apart from other state funds, for the benefit of the bondholders and prohibits fund deposits from being commingled with other state funds. It specifies the state has no claim in the fund except as the act provides.

Treasurer's Duties. The act requires the treasurer to enter into an agreement with a trust company or bank recognized in the state that must have an account or accounts to hold any amounts of the fund. The agreement must be in accordance with the provisions of the act, including the parts related to the TRS and the CLC.

The treasurer must certify to the governor, the Teachers' Retirement Board (TRB) and the lottery corporation president when the amount on deposit in the TRF-SCRF first reaches or exceeds the required minimum capital reserve.

If the state has not paid the principal or interest due on the POBs, the act requires the treasurer to direct the fund trustee to transfer the necessary amount from the TRF-SCRF to pay the principal or interest. No money can be withdrawn from the TRF-SCRF that will reduce its amount below the required minimum, unless this is done to make a payment on the POBs principal or interest.

The treasurer may direct the trustee to remit to the treasurer for deposit in the General Fund any amount in excess of the required minimum capital reserve.

TRF-SCRF Uses. Under the act, the money held in the TRF-SCRF must be used solely for:

1. bond principal payment as the POBs become due by reason of maturity or sinking fund redemption,
2. purchase of the POBs,
3. POBs interest payment, and
4. redemption premium payment required when the POBs are redeemed prior to maturity.

Pledge and Lien. Under the act, the state's pledge to use the TRF-SCRF to pay the bonds is valid and binding from the time it is made. Accordingly, the lien of this pledge is valid and binding against all parties having claims of any in tort, contract, or otherwise against the state, regardless of whether the parties have notice of the claims. The act supersedes any requirement of the Uniform Commercial Code for the pledge to be recorded or filed.

The act states that such a lien has priority over all other liens and any money so pledged and later received by the state is subject immediately to the lien of the pledge and does not require any physical delivery.

When the fund is evaluated, any obligations acquired as investments must be evaluated at market value.

Fund Termination. Under the act, the fund terminates:

1. when the POBs have been fully repaid;
2. if certain specified funds are deposited in an irrevocable trust on behalf of the bondholders in an amount that is sufficient to pay (a) the bond's principal and interest when due and (b) any redemption premium due when the bonds are redeemed prior to maturity;
3. if the amount of the annual required contribution to the fund for the TRS is determined in accordance with the TRS actuarial standards in law at the time the bonds were issued; or
4. if the TRB fails to approve the credited interest percentage for member accounts and return assumption in accordance with the act's provisions.

Any money left in the fund when it terminates must be transferred to the Budget Reserve Fund.

Investment and Reinvestment (§ 82)

Pending the use or application of funds in the TRF-SCRF, the act allows the treasurer to direct that funds be invested or reinvested in obligations, securities, or investments as permitted under the laws governing general obligation bonds or participation certificates in the Short Term Investment Fund.

CLC (§§ 82(c), 83-85)

The act makes payments to the TRF-SCRF trustee, as provided in the act, one of the purposes of the CLC and authorizes transfers from the lottery fund to the TRF-SCRF.

Under prior law, the CLC transferred to the General Fund on a weekly basis any balance of the lottery fund that exceeded the needs of the corporation for paying lottery prizes and meeting operating expenses and reserves. Under the act, if the amount in the TRF-SCRF is below the required minimum capital reserve, the CLC must instead pay the amount it would have transferred to the General Fund to the TRF-SCRF trustee to deposit in the TRF-SCRF. If the corporation makes a transfer to the General Fund at a time when the TRF-SCRF is below the required minimum capital reserve, the transfer amount will be deemed appropriated from the General Fund to the TRF-SCRF.

The act also requires that the amount payable from the CLC to the TRF-SCRF be sufficient for the payment of the principal and interest due on the bonds the TRF-SCRF secures.

TRS Amortization Method Change and New Amortization Schedule (§§ 86 & 88)

The act transitions the amortization method for the TRS from a level percentage of payroll to a level-dollar amortization over a five-year period.

The act replaces the prior 40-year amortization schedule with a new 30-year schedule for the unfunded accrued actuarial liability (UAAL), determined as of June 30, 2018, and allows future gains or losses to be amortized over new 25-year periods. It eliminates the requirement that the actuarially determined employer contribution (ADEC) be based on members paying a 6% contribution, thus allowing the ADEC to be calculated based on the actual member contribution (7%), as is standard practice in such valuations.

The act states that the General Assembly must not reduce the ADEC unless the governor declares an emergency or extraordinary circumstance and at least three-fifths of the members of each chamber vote for a reduction for the biennium for which the emergency is declared. This mirrors language in the POB covenant.

The act also requires the treasurer to deposit the General Assembly appropriation for the ADEC into the Teachers' Retirement Fund in quarterly allotments on July 15, October 1, January 1, and April 1.

Death Benefit Partial Refund (§ 87)

The act changes the multiplier used in calculating the member death benefit partial refund from four times to two times an employee's accumulated contributions. By changing this factor in the calculation, there will be fewer beneficiaries eligible and the benefit amount will be lower for those who are eligible. The death benefit partial refund is a way to give a member's designated beneficiary a partial refund if the member dies while receiving benefits, but has only collected a limited amount of benefits.

Under prior law, if the aggregate benefits paid to a member prior to death were less than four times the member's accumulated contributions, the member's designated beneficiary was paid a lump sum amount equal to the difference between (1) the payments and (2) the contributions, plus interest. The act changes this threshold, for any member who retires after July 1, 2019, to aggregate benefits less than twice the member's accumulated contributions. This sets a higher bar in order for a member's beneficiary to be eligible for this benefit.

Required Actions by the TRB (§ 89)

The act specifies that no money may be deposited in the TRF-SCRF, and that other provisions of the act will not take effect, until the TRB approves the following:

1. the change in the credited interest percentage for members' accounts from the current actuarially determined amount to not more than 4% annually and
2. a return assumption rate of 6.9% (the current rate is 8% as previously set by TRB).

If the board approves the above items, it must by July 1, 2019, (1) request a revised actuarial valuation for FY 20 and FY 21 and (2) certify to the General Assembly the revised ADEC for FY 20 and FY 21.

EFFECTIVE DATE: Upon passage, except that the (1) amortization changes are effective on the date the treasurer certifies that the amount on deposit in the TRF-SCRF meets the required minimum reserve; (2) death benefit partial refund changes are effective July 1, 2019; and (3) appropriation is effective upon the TRB's approval of the credited interest percentage and return assumption.

§ 91 — FISCAL ACCOUNTABILITY REPORTS

Delays by five days the annual date by which OPM and OFA must submit fiscal accountability reports to the Appropriations and Finance committees and delays by 15 days the date by which the committees must review the reports

The act delays by five days, from November 15 to November 20, the annual date by which the OPM secretary and Office of Fiscal Analysis (OFA) director must each submit fiscal accountability reports to the Appropriations and Finance, Revenue and Bonding committees. It also delays by 15 days, from November 30 to December 15, the annual date by which the committees must meet with the OPM secretary, OFA director, and any others they consider appropriate to review the fiscal reports.

EFFECTIVE DATE: October 1, 2019

§ 92 — TAX INCIDENCE STUDY

Delays the next DRS tax incidence report deadline from February 15, 2020, to February 15, 2022

The act delays by two years, from February 15, 2020, to February 15, 2022, the deadline by which the Department of Revenue Services (DRS) must submit its next tax incidence report to the legislature and post it on the department's website. By law, the report must indicate the extent to which groups of people and types of businesses bear the burden of different taxes.

EFFECTIVE DATE: Upon passage

§ 93 — ZERO-EMISSION VEHICLES IN THE STATE FLEET

Establishes various requirements towards reducing the emissions generated by vehicles in the state fleet

The act establishes purchasing standards and requires agency studies to assist the state with increasing the number of zero-emission vehicles in its fleet. It specifically:

1. requires, beginning January 1, 2030, minimum percentages of cars, light duty trucks, and buses purchased or leased for the state fleet to be "zero-emission;"
2. expands an annual reporting requirement for the DAS commissioner to include a procurement plan that aligns with these state fleet requirements and a feasibility assessment for the state's purchase or lease of zero-emission medium and heavy duty trucks; and
3. requires the DAS commissioner to study the feasibility of creating a competitive bid process for the procurement of zero-emission vehicles and buses, and authorizes the commissioner to proceed if it would achieve cost savings.

The act also eliminates an obsolete provision and makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2019

Increasing Percentage of Zero-Emission Vehicles in the State Fleet

Starting on January 1, 2030, the act requires that at least 50% of the cars and light duty trucks and at least 30% of the buses purchased or leased by the state be zero-emission vehicles and zero-emission buses, respectively. The act defines a "zero-emission vehicle" as a battery, hybrid, or range-extended electric vehicle, and any vehicle certified by the California Air Resources Board's executive officer to produce zero emissions of any criteria pollutant during all operational modes and conditions. It defines "zero-emission bus" as any urban bus certified by the California Air Resources Board's executive officer to produce zero emissions as described above. These requirements do not apply to vehicles used for law enforcement or emergency response purposes by the following state agencies and entities:

1. the Motor Vehicles, Emergency Services and Public Protection, Energy and Environmental Protection, Correction, Mental Health and Addiction Services, Developmental Services, Social Services, Children and Families, Transportation, and Judicial departments;
2. the Board of Pardons and Paroles and State Capitol Police; and
3. the Board of Regents for Higher Education, UConn, and UConn Health Center.

DAS Annual Reporting

The act adds two topics to an existing annual reporting requirement for DAS. First, the DAS commissioner must produce a three-year vehicle procurement plan that aligns with the act's requirements for increasing the percentage of zero-emission vehicles and buses in the state fleet. Secondly, the commissioner must assess the availability of zero-emission medium and heavy duty trucks and the feasibility of the state purchasing or leasing those types of trucks. By law, DAS must file this annual report with the Government Administration and Elections, Environment, and Energy and Technology committees. The act requires the DAS commissioner to work in consultation with the Department of Transportation (DOT) commissioner on this report.

Procurement Study

The act requires the DAS commissioner, in consultation with the DOT commissioner, to study the feasibility of creating a competitive bid process for the aggregate procurement of zero-emission vehicles and buses and determine if the

process would achieve cost savings. The DAS commissioner must report the study's results to the Government Administration and Elections and Transportation committees by January 1, 2020. The act also authorizes the DAS commissioner to proceed with the aggregate procurement upon determining it would achieve a cost savings.

§§ 94 & 95 — STATE RESIDENT HYDROGEN AND ELECTRIC VEHICLE REBATE PROGRAM

Creates a state-funded rebate program to incentivize residents to purchase hydrogen and electric vehicles; increases and broadens the application of the greenhouse gas reduction fee to fund that rebate program

The act establishes the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program to provide rebates for the purchase or lease of new or used hydrogen or electric vehicles, based on an existing pilot program (see BACKGROUND). The act also creates an administrative board to oversee the CHEAPR program and establishes a General Fund account with a revenue stream generated by increasing and broadening the application of the greenhouse gas reduction fee to fund it.

Lastly, the act also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2019, except that the changes to the greenhouse gas reduction fee are effective January 1, 2020.

Program Creation

The act establishes the CHEAPR board, which will be within DEEP for administrative purposes only, and requires that the board create and administer the CHEAPR program, from January 1, 2020, until December 31, 2025. Under the act, the program must provide rebates of at least \$3 million annually to residents who (1) purchase or lease a battery, plug-in hybrid, or fuel cell electric vehicle or (2) purchase a used hydrogen or electric vehicle. The board must (1) establish and revise rebate levels and income eligibility for rebates for those used vehicles and (2) evaluate the program annually.

Administrative Board Membership

Under the act, the CHEAPR board must consist of:

1. the DEEP and consumer protection commissioners and the Connecticut Green Bank president, or their respective designees;
2. a member from an environmental organization knowledgeable in electric vehicle policy, appointed by the House speaker;
3. a member appointed by the Senate president;
4. a member from an organization representing environmental justice community interests, appointed by the House majority leader;
5. a member from an association representing Connecticut automotive retailers, appointed by the Senate majority leader;
6. a member appointed by the House minority leader; and
7. a member appointed by the Senate minority leader.

The act authorizes the DEEP commissioner to appoint up to three additional members to the board from other industrial fleet or transportation companies. The DEEP commissioner, or the commissioner's designee, will serve as the board chairperson, and the board may meet as it deems necessary.

Program Funding & Greenhouse Gas Reduction Fee Changes

The act establishes a CHEAPR program account as a separate, nonlapsing account within the General Fund and requires that funds in the account be used towards administering the CHEAPR program. It directs the first \$3 million in revenue collected each fiscal year from the greenhouse gas reduction fee to the CHEAPR program's account, instead of the General Fund as under prior law.

Relatedly, the act makes several changes to the greenhouse gas reduction fee. Under prior law, this fee was \$5 and assessed on certain statutorily-defined motor vehicles 10,000 pounds or less upon the registration of those vehicles when sold as new. Under the act, the fee instead applies to motor vehicles registered as passenger, motor home, combination, or antique vehicles. It sets the greenhouse gas reduction fee at \$10 for two-year registrations of those vehicles when sold as new and \$5 for any two-year original or renewal registrations of those vehicles that are used. The act also sets the fee at

\$5 for people age 65 or older for one-year registrations of passenger motor vehicles sold as new and \$2.50 for any one-year original or renewal registrations of those vehicles that are used. The act specifies that no part of the greenhouse gas reduction fee may be refunded if a person cancels his or her vehicle registration before it expires.

Under the act, any revenue collected in excess of \$3 million in each fiscal year from the greenhouse gas reduction fee must be deposited in the General Fund.

Background - CHEAPR Pilot

CHEAPR was created administratively in 2015 as a pilot program. It was developed by DEEP in partnership with Eversource Energy, Avangrid (i.e., the United Illuminating Company), and the Connecticut Automotive Retailers Association. This pilot program is managed on a day-to-day basis by the Center for Sustainable Energy.

Background - Related Act

PA 19-165 increases the maximum renewal period for most vehicle registrations, generally, from two years to three years, at the discretion of the Department of Motor Vehicles commissioner.

§ 96 — APRN EMERGENCY CERTIFICATES AT CORRECTIONAL FACILITIES

Allows APRNs, under certain conditions, to issue emergency certificates to require up to 72 hours of hospitalization for prison inmates with psychiatric disabilities

Existing law allows advanced practice registered nurses (APRNs) who have received specified training to issue emergency certificates authorizing people with a psychiatric disability to be taken to a general hospital for examination, under specified circumstances (CGS § 17a-503(d)).

Under the act, all APRNs employed by the Department of Correction (DOC) to provide mental health care at correctional facilities may issue emergency certificates for prison inmates, under the same standards as existing law. Thus, the APRN must reasonably believe, based on direct evaluation, that the inmate has a psychiatric disability, is dangerous to himself or herself or others or gravely disabled, and needs immediate care and treatment. The inmate must be examined within 24 hours and may not be held in the hospital for more than 72 hours unless he or she is committed under a court order (see CGS § 17a-502).

The act requires the DOC commissioner to collect and maintain statistical and demographic information on emergency certificates APRNs issue at correctional facilities under these provisions.

EFFECTIVE DATE: July 1, 2019

§§ 97 & 98 — WORKING PAPERS EXEMPTION

Exempts employers from the requirement to obtain a minor's "working papers" when they employ minors through a regional workforce development board's youth development program

The act exempts employers from the requirement to obtain a certificate showing the age of an employee younger than age 18 (i.e., his or her "working papers") when the employer wants to employ the minor through a regional workforce development board's youth development program. By law, school superintendents, or their agents, must provide the working papers to employers upon request.

EFFECTIVE DATE: July 1, 2019

§§ 99-102 — CONNECTICUT RETIREMENT SECURITY AUTHORITY

Removes provisions that generally require that the retirement programs offered by the CT Retirement Security Authority be from multiple authority-selected vendors

By law, the Connecticut Retirement Security Authority must establish a retirement program with individual retirement accounts (IRAs) for certain private-sector employees who are automatically enrolled in the program unless they opt out. The act removes provisions that generally required that the authority's program offer IRAs from multiple vendors, thus allowing the program to offer IRAs from only one vendor.

More specifically, the law requires the authority to establish criteria and guidelines for the retirement programs offered through the Connecticut Retirement Security Exchange. Under prior law, these criteria and guidelines had to require that the program offer qualified retirement investment choices from multiple authority-selected vendors. The act removes the requirement that these investment choices be from multiple authority-selected vendors.

The act also makes various corresponding changes. For example, prior law required that each participant's account be invested in an age-appropriate target date fund with a vendor selected by the participant or other investment vehicles that the authority may prescribe. If a participant did not affirmatively select a specific vendor or investment option, the participant's contribution had to be invested in an age-appropriate target date fund that most closely matched the participant's normal retirement age, rotationally assigned by the program.

The act removes the requirements that a participant's (1) target date fund be from a vendor selected by the participant and (2) contribution be invested in a rotationally assigned fund if the participant did not select a vendor. Instead, it requires only that the participant's account be invested in an age-appropriate target date fund or another investment vehicle that the authority may prescribe if affirmatively selected by the participant.

EFFECTIVE DATE: July 1, 2019

§§ 103 & 104 — PERSONAL SERVICE AGREEMENT (PSA) WAIVERS

Requires executive branch agencies to submit a procurement plan every three years to OPM for approval; requires OPM to (1) annually report on waiver requests received and their outcomes and (2) post approved waivers on the state contracting portal

PSAs are typically used by state agencies to purchase infrequent and non-routine services or end products, such as certain consulting services, technical assistance, or training. Under existing law, PSAs with a cost ranging from \$20,000 to \$50,000 and with a term of no more than one year must be based on competitive negotiation or competitive quotations, unless the purchasing agency applies for and receives a waiver from the Office of Policy and Management (OPM) secretary allowing for a sole source purchase.

The act requires the OPM secretary to post any approved PSA waiver requests on the state contracting portal. It also requires her to submit a report, by January 15, 2020, and annually thereafter, to the Appropriations and Government Administration and Elections committees and the State Contracting Standards Board. The report must (1) list any PSA waiver requests received during the prior year and (2) include the justification for granting or denying the requests.

The act also requires each executive branch state agency to submit an agency procurement plan, by January 1, 2020, and every three years thereafter, to the OPM secretary for approval. The plan must include a list of all services and programs the agency intends to contract for over the next three years and a planned schedule of procurements indicating whether the (1) procurement will be based on competitive negotiation or competitive quotation, or (2) agency has determined that a sole source procurement is required and intends to apply to the secretary for a waiver.

EFFECTIVE DATE: October 1, 2019

§§ 105-143 & 398 — LEGISLATIVE COMMISSION CONSOLIDATION

Merges the legislative CEO and CWCS into a single entity, the Commission on Women, Children, Seniors, Equity and Opportunity, which the act designates as the successor to the two former commissions

The act merges the legislative Equity and Opportunity (CEO) and the Women, Children and Seniors (CWCS) commissions into a single entity, the Commission on Women, Children, Seniors, Equity and Opportunity, which the act designates as the successor to the two former commissions. It organizes the new commission into a 44-member advisory board, an eight-member executive committee, and six subcommissions.

Under the act, the new commission must focus its efforts on issues affecting the two former commissions' constituencies of underrepresented and underserved populations: African Americans, Asian Pacific Americans, and Latinos and Puerto Ricans (CEO's constituencies), and women, children and the family, and elderly individuals (CWCS's constituencies). It generally gives the new commission the same powers and duties that prior law provided for CEO and CWCS.

The act makes minor, technical, and conforming changes to implement its provisions.

EFFECTIVE DATE: July 1, 2019

Advisory Board (§ 105)

Under the act, the commission's advisory board consists of 44 members who serve two-year terms: 42 appointed by the legislative leaders and two appointed by the Legislative Management Committee. The act terminates all CEO and CWCS members' terms as of June 30, 2019, except for the commissions' chairpersons, whom it deems the new advisory board's chairpersons through June 30, 2021.

The act requires each appointing authority, other than the Legislative Management Committee (see below), to make initial appointments to the advisory board by July 31, 2019. It specifies that the initial appointees' terms terminate on June 30, 2021, regardless of their appointment date. As under prior law, any vacancy occurring before a term's expiration must be filled by the appointing authority for the balance of the unexpired term, and members must continue to serve until their successors are appointed.

Commission members must serve without compensation but, within the limits of available funds, are reimbursed for necessary expenses.

Appointments by Legislative Leaders. The act requires (1) each of the six legislative leaders to make six appointments to the advisory board and (2) the House speaker and Senate president pro tempore to also make six joint appointments. The act retains the provisions in prior law requiring (1) each appointing authority to allocate his or her appointments evenly across the commissions' respective constituencies (under the act, one appointment for each constituency) and (2) each authority besides the House and Senate majority leaders to allocate a minimum number of his or her appointments to individuals from specified regions of the state, as shown in the table below.

Required Geographical Representation

<i>Appointing Authority</i>	<i>Region</i>	<i>Minimum Number of Appointees from Region</i>
Jointly by House speaker and Senate president pro tempore	Central	2*
Senate president pro tempore	Northeastern	3**
House speaker	Southeastern	2*
Senate minority leader	Northwestern	2*
House minority leader	Southwestern	2*

* one with experience in one of CEO's constituencies and one with expertise in one of CWCS's constituencies

** two with experience in one of CEO's constituencies and one with expertise in one of CWCS's constituencies

Legislative Management Appointments. The act requires the Legislative Management Committee to appoint two members to the board to serve as its chairpersons after June 30, 2021. These appointees must have experience in equity and culturally responsive leadership.

Subcommissions (§ 105)

The act requires that the advisory board include six subcommissions, one for each of the commission's constituencies. The advisory board chairpersons designate the membership of each subcommission, and each subcommission must select a chairperson from among its members. The subcommissions must advise on policies affecting their constituencies.

Executive Committee (§ 105)

Under the act, the commission's executive committee consists of the advisory board's chairpersons (who must also chair the executive committee) and the chairpersons of each subcommission, each of whom serves as a vice-chairperson of the executive committee. Generally, the executive committee must provide advice to the commission's executive director with respect to specified duties (see below).

The act requires the executive committee to meet at least bimonthly and at special meetings called by one or both chairpersons. The chairpersons must establish standing committees and designate the chairperson of each one, including committees on equity, opportunity, communications, civic engagement, and programs. (Presumably, these are standing committees of the executive committee rather than the commission as a whole.)

Meetings and Quorum (§ 105)

For the advisory board and subcommissions, the act (1) specifies that a majority of the membership constitutes a quorum to do business and (2) deems a member to have resigned from the board if he or she misses three consecutive board or subcommission meetings or 50% of all such meetings held during any calendar year. Board meetings occur as often as either the chairpersons or a majority of the board deem necessary. Prior law subjected CEO and CWCS members to these requirements.

Duties and Responsibilities (§ 106)

The act establishes duties and responsibilities for the new commission, targeted to the respective constituencies, that parallel the duties and responsibilities of the two former commissions (e.g., make recommendations to the General Assembly and governor on new or enhanced policies, programs, and services that foster progress in achieving “quality of life desired results”). It requires the commission, when advising or making recommendations to the legislature, to do so with the executive committee’s advice.

Other Powers (§ 106)

The act establishes the same powers for the new commission that prior law established for CEO and CWCS (e.g., the ability to accept gifts, donations, and bequests).

Commission Staff (§ 105)

As under prior law for CEO and CWCS, the act grants the Legislative Management Committee authority over the hiring, termination, and performance reviews of the new commission’s executive director and staff and specifies that the commission has no authority over staffing and personnel matters.

Annual Status Report (§ 106)

Prior law required CEO and CWCS to annually submit to the Appropriations Committee a status report, organized by policy division, concerning quality of life desired results. The act requires (1) the new commission’s executive director, rather than the commission itself, to submit this report and (2) that the report include the commission’s efforts in promoting the desired results, rather than its efforts and any progress in achieving them, as prior law required.

Conforming Changes (§§ 107-143 & 398)

Prior law imposed various reporting and training requirements for the two former commissions and granted them representation on numerous state boards and committees. The act generally transfers these provisions to the successor commission. For example, prior law required CWCS, together with the Commission on Human Rights and Opportunities (CHRO), to provide training on state and federal discrimination laws to certain state employees. The act instead requires the Commission on Women, Children, Seniors, Equity and Opportunity to provide this training with CHRO (§ 134).

The act similarly requires one of the new commission’s chairpersons, or a designee, to serve as chairperson of the Trafficking in Persons Council (§ 143). However, the act does not specify how to determine which chairperson serves in this role.

§ 144 — STATE OFFICIALS’ COMPENSATION*Authorizes elected or appointed state officials to decline state compensation or benefits*

The act authorizes elected or appointed state officials in the executive, legislative, or judicial branch to, at their sole discretion, decline any state compensation or benefit that they are otherwise entitled by law or regulation to receive. Under the act, an official who elects to decline any compensation or benefit must notify the state comptroller, and the election is effective on the date indicated in the notification.

EFFECTIVE DATE: Upon passage and applicable to notifications made on or after January 1, 2019.

§ 145 — TEACHERS' RETIREMENT BOARD (TRB) DATA AND ACTUARIAL SOFTWARE SERVICES

Requires the TRB to provide data to the OPM secretary upon request if the secretary enters into a contract for actuarial services

The act requires the TRB to promptly provide any data the OPM secretary requests, provided the secretary has entered into a contract with an actuarial consulting firm or actuarial software service provider and the request is made during the term of the contract. The data must be provided in a form and format the secretary specifies.

The act also permits the secretary, by interagency agreement, to share actuarial data, analyses, or software services with any other state agency, including the offices of the State Treasurer, the State Comptroller, and Fiscal Analysis.

EFFECTIVE DATE: Upon passage

§ 146 — HARTFORD COMMUNITY COURT'S NAME

Changes Hartford Community Court's name

The act changes Hartford Community Court's name to "Honorable Raymond R. Norko Community Court."

EFFECTIVE DATE: Upon passage

§ 147 — OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL

Creates the 17-member OER Coordinating Council to establish an OER program to lower the cost of textbooks and course materials for certain courses at state higher education institutions

The act creates the 17-member Connecticut Open Educational Resource (OER) Coordinating Council, as part of the executive branch, to establish a program to lower the cost of textbooks and materials for certain courses at state higher education institutions.

EFFECTIVE DATE: July 1, 2019

Open Educational Resources

Under the act, an "open educational resource" is a college-level resource available on a website for students, faculty, and the public to use on an unlimited basis at a lower cost than the market value of the printed textbook or other educational resource. It includes full courses, course materials, modules, textbooks, streaming videos, tests, software, and other similar teaching, learning, and research resources that reside in the public domain or have been released under a creative commons attribution license that allows the free use and repurposing of such resources.

OER Coordinating Council Membership and Procedure

The act requires the Office of Higher Education's (OHE) executive director to appoint the following 17 members to the council:

1. a statewide coordinator to serve as the council's chairperson;
2. one faculty member, one administrator, and one staff member from UConn;
3. one faculty member, one administrator, and one staff member from the regional community technical college system;
4. one faculty member, one administrator, and one staff member from Charter Oak State College;
5. one faculty member, one administrator, and one staff member from the Connecticut State University System;
6. one faculty member, one administrator, and one staff member from the independent higher education institutions; and
7. one student from any public or independent higher education institution in the state.

The executive director must make all initial appointments by September 1, 2019, and such appointments expire on August 30, 2022, regardless of when they were made. Succeeding appointees serve three-year terms that begin on the date of their appointment, and appointees may serve more than one term. The executive director must fill any vacancies, and any vacancy occurring other than by term expiration must be filled for the remainder of the unexpired term. OHE administrative staff must serve as the council's administrative staff.

The act requires the council's chairperson to schedule and hold the first meeting by October 1, 2019. The council must meet quarterly, or as often as a majority of its members deems necessary, and a majority of members constitutes a quorum. The council members must serve without compensation but must be reimbursed for related reasonable and necessary expenses within the limits of available funds.

OER Coordinating Council Duties

The act requires the council to identify high-impact courses for which OERs will be developed, converted, or adopted. Under the act, "high impact courses" are instruction courses for which OERs would make a significant positive financial impact on the students taking the course due to the number of students taking the course or the market value of the course's required printed textbook or other educational resources.

The council also must:

1. establish a competitive grant program for state higher education institution faculty members for the development, conversion, or adoption of OERs for such courses, with council-identified funds and within available appropriations;
2. accept, review, and approve grant applications, so long as an approved faculty member licenses such OER through a "creative commons attribution license" (i.e., a copyright crediting the author of a digital work product that allows for the free use and distribution of such product);
3. administer a standardized review and approval process for the development, conversion, or adoption of OERs; and
4. promote strategies for the production, use, and access of OERs.

The statewide coordinator must collaborate with all higher education institutions to promote OERs and administer grants.

Report to Legislature

The act requires the council to annually report, beginning by January 1, 2021, to the Higher Education and Employment Advancement Committee on the following:

1. the number and percentage of high-impact courses for which OERs have been developed,
2. the degree to which higher education institutions promote the use of and access to OERs,
3. the amount of grants the council awarded and the number of OERs grant recipients developed, and
4. its recommendations for any legislative changes necessary to develop OERs.

§ 148 — NEWBORN SCREENING

Expands DPH's Newborn Screening Program to include any disorder listed on the federal Recommended Uniform Screening Panel, subject to OPM's approval

The act expands DPH's Newborn Screening Program to include any disorder listed on the federal Recommended Uniform Screening Panel, subject to the OPM secretary's approval.

The Recommended Uniform Screening Panel is a list of health conditions that the federal Department of Health and Human Services recommends states screen for as part of their newborn screening programs. Conditions are included on the list based on evidence of the potential benefit of screening, states' ability to screen, and the availability of effective treatments (42 U.S.C. § 300b-10).

EFFECTIVE DATE: October 1, 2019

§§ 149-151 — MINOR CHANGES IN UNEMPLOYMENT LAWS

Requires that the quarters in an unemployment claimant's special base period be consecutive quarters; limits the benefit eligibility penalty imposed on fraudulent claimants before October 1, 2013, to claims deemed payable before October 1, 2019; explicitly allows the labor commissioner to enter into a consortium with other states

Special Base Period Quarters (§ 149)

By law, unemployment benefits are generally based on a claimant's wages during either his or her "base period" (i.e., the first four of the five most recently completed quarters) or "alternate base period" (i.e., the four most recently

completed quarters). Under certain circumstances, however, claimants who are eligible for workers' compensation benefits or certain other employer-provided benefits may use a "special base period" that determines benefits using their wages from either the first four of the five most recently worked quarters or the four most recently worked quarters.

The act requires that these special base period quarters be consecutive. As under existing law, the (1) special base period quarters must not have been previously used to establish the claimant's benefits and (2) claimant's last most recently worked quarter must be within 12 quarters before the claimant filed his or her claim.

Benefit Eligibility Penalty (§ 150)

By law, for any determination of an unemployment benefit overpayment made before October 1, 2013, claimants who fraudulently received unemployment benefits are penalized by forfeiting their ability to collect up to 39 weeks of benefits during weeks when they would otherwise be eligible for them, in addition to other penalties. The act limits this penalty to claims deemed payable before October 1, 2019.

Under existing law, unchanged by the act, claimants who fraudulently receive benefits, as determined on or after October 1, 2013, must pay a penalty of (1) up to 50% of the amount of the overpayment for a first offense and (2) 100% of the overpayment for any subsequent offense.

Multi-State Consortium (§ 151)

The act explicitly allows the labor commissioner, under his authority to administer the unemployment laws, to enter into a (1) consortium with other states and (2) contract or memorandum of understanding associated with the consortium.
EFFECTIVE DATE: Upon passage

§§ 152-154 — HEMP PRODUCTION

Makes minor changes to PA 19-3 concerning hemp production in Connecticut, including eliminating requirements for certain DCP regulations

PA 19-3 establishes requirements for hemp growers, processors, and manufacturers. It also establishes inspection and testing requirements for hemp and hemp products. State oversight is shared between the Department of Agriculture (DoAg) and the Department of Consumer Protection (DCP).

Under PA 19-3, hemp intended to be manufactured as a consumable product must be tested for microbiological contaminants, mycotoxins, heavy metals, and pesticide chemical residues, and DCP must prescribe testing standards in regulations. This act removes the requirement for regulations. Instead, as under PA 19-3, DCP must prescribe the standards and publish them on the agency's website.

If a hemp sample fails the testing, PA 19-3 requires the manufacturer to dispose of the entire batch from which the sample was taken in accordance with procedures the DCP commissioner adopts in regulations. This act eliminates the requirement for regulations and instead requires the manufacturer to dispose of the batch in accordance with provisions already outlined in PA 19-3 (i.e., embargo the batch, label it as adulterated, notify DoAg and DCP, and destroy and dispose of the product in a way the DCP commissioner determines).

The act also makes a correction in definitions to accurately reflect the technical name of "THC" as delta-9 tetrahydrocannabinol.

EFFECTIVE DATE: Upon passage

§§ 155 & 156 — TECHNICAL REVISIONS TO DEPARTMENT HEAD DEFINITION

Makes technical changes to an executive branch department head definition

The act makes technical changes to a statute defining executive branch "department head" by (1) eliminating an obsolete reference to the Department of Aging and (2) including the Office of Health Strategy (OHS) executive director.

EFFECTIVE DATE: July 1, 2019, for the removal of the Aging Department reference and July 1, 2020, for the reference to OHS.

Background - Related Acts

PA 19-31 contains, among other things, provisions identical to this act. PA 19-157 also deletes the Aging Department

reference.

§§ 157-159 — DCF CHILD ABUSE AND NEGLECT REGISTRY CHECKS FOR CERTAIN INDIVIDUALS

Expands DCF child abuse and neglect registry checks for certain individuals and requires DCF to comply with any request from another state's child welfare agency to check the registry

The act requires DCF (1) for certain license applicants and DCF vendors, contractors, and employees, to check the child abuse and neglect registry in any state in which the individual resided in the previous five years; (2) for any person 16 or older living in the household of certain license applicants, to check the child abuse and neglect registry in any state in which the person resided in the previous five years; and (3) to comply with any request from a child welfare agency of another state to check the child abuse and neglect registry.

EFFECTIVE DATE: July 1, 2019

DCF Vendors or Contractors

Existing law requires DCF to check the state child abuse and neglect registry for the names of DCF vendors or contractors and their employees who have access to DCF records or clients. The act specifies that this requirement applies to employees who have access to these records or who provide direct services to children or youths in DCF care or custody.

It additionally requires DCF to check the child abuse and neglect registry in any state in which any such vendor, contractor, or employee resided in the previous five years.

Existing law already requires these vendors, contractors, and employees to submit to state and national criminal history records checks.

Foster and Adoptive Parents

The act requires DCF to check the child abuse and neglect registry in any state in which the following individuals resided in the previous five years: any person (1) applying for foster care or adoption licensure or approval and (2) age 16 or older living in such applicant's household. The requirement applies to both initial and renewal applications.

Existing law requires (1) any such applicant and any person age 16 or older living in the applicant's household to submit to a state and national criminal history records check and (2) DCF to check the state child abuse and neglect registry for the name of these individuals.

The act specifies that individuals whom a licensed child placing agency approves to adopt are subject to the same requirements as those approved to provide foster care.

DCF-Licensed Child Care Facility Employees

Under existing law, DCF must require applicants for operating DCF-licensed child care facilities and child placing agencies to submit to state and national criminal history records checks. The act extends this requirement to employees of DCF-licensed child care facilities who are age 18 or older. (This does not include day care facilities licensed by the Office of Early Childhood.)

The act additionally requires DCF to check, for any such applicant or employee, the child abuse and neglect registry in any state in which the person resided in the previous five years.

Related Act

PA 19-120 (§§ 3-5) contains identical provisions regarding DCF child abuse and neglect registry checks.

§§ 160 & 161 — COMMUNITY HEALTH WORKERS

Creates a community health worker certification program and a Community Health Worker Advisory Body

The act establishes a community health worker certification program administered by DPH. Starting January 1, 2020, the act prohibits anyone from using the title "certified community health worker" unless they obtain this certification. The act:

1. establishes certification requirements and sets fees for initial certifications and renewals,
2. establishes a continuing education requirement, and
3. allows DPH to take certain enforcement actions against a certificate holder who fails to comply with accepted professional standards.

The act also establishes a 14-member Community Health Worker Advisory Body within the OHS. Among other things, the advisory body must advise OHS and DPH on education and certification requirements for community health worker training programs and provide DPH with a list of approved programs.

By law, community health workers are public health outreach professionals with an in-depth understanding of a community's experience, language, culture, and socioeconomic needs. Among other things, they (1) serve as liaisons between community members and health care and social service providers and (2) provide a range of services, including outreach, advocacy, and care coordination.

EFFECTIVE DATE: January 1, 2020

Community Health Worker Certification

Requirements. The act requires community health workers to apply to DPH for certification on forms the commissioner provides and pay a \$100 application fee.

To obtain certification, an applicant must:

1. be at least 16 years old,
2. be trained and educated as a community health worker by an organization approved by the Community Health Worker Advisory Body (see below),
3. submit a professional reference from an employer and a reference from a community member each with direct knowledge of the applicant's community health worker experience, and
4. have at least 1,000 hours of experience working as a community health worker during the three years before the application date.

Alternatively, the act allows an applicant to (1) have at least 2,000 hours of paid or unpaid experience as a community health worker and (2) submit a professional reference from an employer and a reference from a community member each with direct knowledge of the applicant's community health worker experience.

Renewals. The act requires community health workers to renew their certification every three years during their birth month and establishes a \$100 renewal fee. Renewal applicants must provide DPH with their full name, residence and business addresses, and any other information the department requests. Applicants must also have completed at least 30 hours of continuing education, including two hours each on (1) cultural competency, systemic racism, or systemic oppression and (2) social determinants of health.

Exemption. The act exempts from the certification requirements community health workers who provide services (e.g., outreach, education, and advocacy) but do not hold themselves out to the public as a certified community health worker.

Disciplinary Action. The act allows DPH to take disciplinary action against a certified community health worker for failing to conform to accepted professional standards, including:

1. fraud or deceit in obtaining or seeking reinstatement of a community health worker certification;
2. fraudulent or deceptive professional services or activities;
3. negligent, incompetent, or wrongful conduct in professional activities;
4. aiding or abetting an uncertified person's use of the title "certified community health worker;"
5. physical, mental, or emotional illnesses or disorders that result in his or her inability to conform to accepted professional standards; or
6. abuse or excessive use of drugs including alcohol, narcotics, or chemicals.

By law, disciplinary actions available to DPH include license revocation or suspension, censure, a letter of reprimand, probation, or a civil penalty (CGS § 19a-17). Under the act, the department can also order a certificate holder to undergo a reasonable physical or mental examination if there is an investigation of his or her physical or mental capacity to practice safely.

The act allows the DPH commissioner to petition the Hartford Superior Court to enforce any disciplinary action the department takes. DPH must notify the certificate holder of any contemplated disciplinary action and its cause and the hearing date on the action.

Community Health Worker Advisory Body

The act establishes a 14-member Community Health Worker Advisory Body within OHS to:

1. advise OHS and DPH on matters related to education and certification requirements for community health worker training programs, including the minimum hours and internship requirements for certification;
2. continuously review these certification and education programs; and
3. provide DPH with a list of approved certification and education programs.

Under the act, the OHS executive director, or her designee, is the advisory body's chairperson and must appoint the following members:

1. six members actively practicing as community health workers in the state,
2. one member of the Community Health Workers Association of Connecticut,
3. one representative of a community-based community health worker training organization,
4. one representative of a regional community-technical college,
5. one community health worker employer,
6. one representative of a health care organization that employs community health workers,
7. one health care provider who works directly with community health workers, and
8. the DPH commissioner or her designee.

§§ 162-175 — PROFESSIONAL COUNSELOR AND MARITAL AND FAMILY THERAPIST ASSOCIATE LICENSURE

Creates an associate licensure category for professional counselors and marital and family therapists practicing under professional supervision while pursuing full licensure

The act creates a new associate licensure category for licensed professional counselors (LPCs) and marital and family therapists (MFTs) that allows them to practice under professional supervision while pursuing full licensure. To qualify for an associate license, the applicant must meet certain educational and clinical training requirements.

The act also prohibits anyone who is unlicensed from using the title (1) "licensed professional counselor associate" or "professional counselor" or any title, words, letters, or abbreviations that may reasonably be confused with licensure or (2) "licensed marital and family therapist associate." Existing law similarly prohibits unlicensed people from using a title that indicates that they are fully licensed LPCs or MFTs.

For LPCs, the associate license must be renewed annually. The initial license fee is \$220 and the renewal fee is \$195. For MFTs, the associate license is valid for two years and may be renewed once. The initial license fee is \$125 and the renewal fee is \$220.

The act allows DPH to take disciplinary actions against associate LPC and MFT licensees under the same grounds for which she may take action against other LPC and MFT licensees (e.g., fraud or deceit in obtaining the license).

Prior law allowed students with advanced degrees in professional counseling and marital and family therapy to practice without a license in order to complete the supervised work experience required for full licensure, but only (1) if supervised by someone licensed in their respective profession and (2) for up to two years after completing the supervised work experience, if they failed the respective licensing examination. The act eliminates these provisions for both professional counseling and MFT graduates.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019

LPC Associate License (§§ 162-167 & 175)

Initial Licensure Requirements. To obtain an LPC associate license, an applicant must submit to the DPH commissioner satisfactory evidence of having earned a graduate degree in clinical mental health counseling through a higher education program accredited by the Council for Accreditation of Counseling and Related Educational Programs, or its successor.

Alternatively, the act allows an applicant to qualify by completing the following:

1. at least 60 graduate semester hours in counseling or a related mental health field, at a regionally accredited higher education institution, that included coursework in (a) human growth and development; (b) social and cultural foundations; (c) counseling theories and techniques; (d) group, career, addiction and substance abuse, and trauma and crisis counseling; (e) appraisals or tests and measurements to individuals and groups; (f) research and evaluation; (g) professional orientation to mental health counseling; and (h) diagnosing and treating mental and emotional disorders;
2. a 100-hour counseling practicum and a 600-hour clinical mental health counseling internship each taught by a faculty member licensed or certified as a professional counselor or its equivalent in another state; and

3. a graduate degree program in counseling or a related mental health field from a regionally accredited higher education institution.

Licensure by Endorsement. As with LPC licenses under existing law, the act allows DPH to grant an LPC associate license by endorsement to LPC associates licensed or certified in another state or jurisdiction with requirements substantially similar to or higher than Connecticut's. Applicants must have no pending disciplinary actions or complaints.

License Scope. The act generally prohibits an LPC associate from practicing professional counseling unless he or she is under the supervision of a:

1. LPC;
2. licensed psychiatrist certified by the American Board of Psychiatry and Neurology;
3. licensed advanced practice registered nurse (APRN) certified as a psychiatric and mental health clinical nurse specialist or nurse practitioner by the American Nurses Credentialing Center; or
4. licensed psychologist, MFT, or clinical social worker.

License Renewal. To renew a license, the act requires LPC associates to submit satisfactory evidence to DPH that they completed continuing education requirements the commissioner sets in regulations. Such continuing education must include at least:

1. one contact hour (i.e., 50 minutes) of education or training in cultural competency;
2. two contact hours of training or education in mental health conditions common to veterans and their family members, during the first renewal period and every six years thereafter; and
3. three contact hours of training or education in professional ethics.

MFT Associate License (§§ 168-174)

Initial Licensure Requirements. To obtain an MFT associate license, an applicant must provide DPH satisfactory evidence of having:

1. completed a (a) graduate degree program specializing in marital and family therapy offered by a regionally accredited higher education institution or (b) postgraduate clinical training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education and offered by a regionally accredited higher education institution and
2. verification from a supervising licensed MFT that the applicant is working toward completing the postgraduate experience requirements for an MFT license.

Licensure Without Examination. As with MFT licenses under existing law, the act allows DPH to grant an MFT associate license without examination to MFT associates licensed or certified in another U.S. state, territory, or commonwealth. An applicant can obtain a license in this way if the other jurisdiction's licensing standards are at least as strict as Connecticut's. Applicants must also have no pending disciplinary actions or complaints.

License Renewals. The MFT associate license is valid for two years and is renewable once during the applicant's birth month. The applicant must submit evidence that he or she is working to complete the postgraduate experience requirements for an MFT license and can successfully do so during the two-year renewal period.

§§ 176-182 — ART THERAPIST LICENSURE

Creates a licensure program for art therapists and generally prohibits unlicensed individuals from using the "art therapist" title

Overview

The act creates a DPH licensure program for art therapists and generally prohibits unlicensed individuals from using the "art therapist" title. To receive a license, an applicant must (1) hold a graduate degree and be credentialed or certified by the Art Therapy Credentials Board or (2) qualify for licensure by endorsement. The act also provides for nonrenewable temporary permits authorizing the holder to work under a licensed person's supervision.

Subject to certain conditions, the act does not restrict the activities of (1) people licensed or certified by nationally recognized organizations when acting within their scope of practice and (2) art therapy students.

In addition, the act sets forth the grounds for DPH disciplinary action against licensees and specifies that no new regulatory board is created for art therapists.

The act replaces prior provisions that generally made it a crime to represent oneself as an art therapist unless meeting certain education and certification requirements. It also makes technical changes.

Existing law defines “art therapy” as the clinical and evidence-based use of art, including art media, the creative process, and the resulting artwork, to accomplish individualized goals within a therapeutic relationship, by a credentialed professional who completed a program approved by the American Art Therapy Association or any successor association.
EFFECTIVE DATE: October 1, 2019

Use of Title and Exemptions (§ 177)

The act generally prohibits anyone without an art therapist license or temporary permit from using the title “art therapist,” “licensed art therapist,” or any title, words, letters, abbreviations, or insignia that could reasonably be confused with such credential.

The act’s restrictions do not prohibit or limit the activity or services of individuals licensed or certified by nationally recognized organizations, including their use of art or art materials, if they:

1. are acting within the scope of their professional training and
2. do not hold themselves out to the public as art therapists or as licensed by the state to practice art therapy.

The act’s restrictions also do not apply to students enrolled in an art therapy educational program at an accredited institution, or graduate art therapy educational program approved by the American Art Therapy Association or any successor association. The exemption applies if art therapy is an integral part of the course of study and the student is acting under a licensed art therapist’s direct supervision.

Under prior law, art therapists were not licensed, but it was a class D felony for someone not meeting specified credentials to refer to himself or herself as an art therapist. (The act does not contain a similar criminal penalty for violation of its provisions, but instead provides for DPH disciplinary actions (see below).) Prior law included similar exemptions for other licensed professionals and students.

License Applications, Qualifications, and Renewals (§ 178)

The act requires the DPH commissioner to issue an art therapist license to any applicant who submits, on a DPH form, satisfactory evidence that he or she (1) has earned a graduate degree in art therapy or a related field from an accredited higher education institution and (2) holds a current art therapist credential or certification from the Art Therapy Credentials Board or any successor board.

The act also allows for licensure by endorsement. The applicant must provide satisfactory evidence that he or she is licensed or certified as an art therapist, or as someone entitled to perform similar services under a different title, in another state or jurisdiction. That jurisdiction’s requirements for practicing must be substantially similar to or stricter than those in Connecticut, and there must be no pending disciplinary actions or unresolved complaints against the applicant in any state.

The initial application fee is \$315 and licenses must be renewed annually for \$190. To renew, licensees must provide satisfactory evidence of the following:

1. a current credential or certification from the Art Therapy Credentials Board or a successor board and
2. completion of any continuing education the board requires for such certification or credential.

Temporary Permits (§ 179)

The act allows DPH to issue nonrenewable temporary permits to licensure applicants with a graduate degree in art therapy or a related field. The permit allows the holder to practice under the general supervision of a licensee and is valid for up to 365 calendar days after the person receives his or her degree. The permit fee is \$50.

The act prohibits DPH from issuing a temporary permit to someone against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state. The commissioner may revoke a temporary permit for good cause, as she determines.

Enforcement and Disciplinary Action (§ 180)

The act allows the DPH commissioner to take disciplinary action against an art therapist for:

1. failing to conform to the accepted standards of the profession;
2. a felony conviction;
3. fraud or deceit in obtaining or seeking reinstatement of a license or in the practice of art therapy;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness;

6. alcohol or substance abuse; or
7. willfully falsifying entries in a hospital, patient, or other record pertaining to art therapy.

By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license, (2) issuing a letter of reprimand, (3) placing the person on probationary status, or (4) imposing a civil penalty (CGS § 19a-17).

Under the act, the commissioner may order a licensee to undergo a reasonable physical or mental examination if his or her capacity to practice safely is under investigation. The commissioner may petition Hartford Superior Court to enforce such an examination order or any DPH disciplinary action. She must give the person notice and an opportunity to be heard before taking disciplinary action.

§§ 183-189 — THE PARTNERSHIP FOR CONNECTICUT, INC.

Establishes The Partnership for Connecticut, Inc. as a nonprofit corporation organized and established by a specified philanthropic enterprise; requires the state, under specified conditions, to provide \$20 million to the corporation in FY 20; allows the state, under specified conditions, to provide \$20 million per year in up to four additional fiscal years

The act establishes The Partnership for Connecticut, Inc. (“the corporation”) as a nonprofit corporation organized and established (1) by a specified philanthropic enterprise and its agents and (2) under state laws governing nonprofit corporations. The act (1) specifies the corporation’s governance, purpose, and duties and (2) requires it to provide financial assistance to specified eligible entities and individuals under policies and procedures its board of directors adopts.

The act requires that the corporation be funded in FY 20 with \$20 million from the philanthropic enterprise and, upon confirmation of this contribution, \$20 million from the state. For FYs 21-24, it (1) requires the state and philanthropic enterprise to endeavor to maintain the same level of financial support as the act requires for FY 20 and (2) allows the state, under specified conditions, to transfer \$20 million to the corporation in each such fiscal year.

EFFECTIVE DATE: Upon passage

Corporation Establishment (§ 183)

Except as otherwise provided in the act, the corporation is subject to existing law’s provisions governing nonprofit corporations in the state. The act specifies that the corporation must not be construed (1) as a department, institution, public agency, public instrumentality, or political subdivision of the state or (2) to perform any governmental function.

Under the act, a “philanthropic enterprise” is (1) an enterprise founded in 2003 and located in Fairfield County that advances diverse philanthropic initiatives, including strengthening public education in Connecticut and supporting financial inclusion and social entrepreneurship, or (2) a philanthropic designee directly controlled by the enterprise.

The act requires the corporation to apply to the IRS for a 501(c)(3) income tax exemption.

Purpose (§ 183)

Under the act, the corporation must be formed for conducting any affairs or promoting any purpose that may be lawfully carried out, including the following public purposes:

1. strengthening public education in Connecticut;
2. supporting financial inclusion and social entrepreneurship;
3. promoting upward mobility in the state by connecting at-risk, high school-aged youths and young adults to educational and career opportunities;
4. supporting economic development in under-resourced communities through microfinance and social entrepreneurship, focusing on communities that have (a) a high poverty rate and (b) youths and young adults ages 14 to 24 who are showing signs of disengagement or disconnection from high school, the workplace, or the community;
5. promoting and expanding on the collaboration between the state and one or more philanthropic or nonprofit entities designated by the enterprise to carry out the act’s purposes; and
6. providing additional resources for the above purposes.

Board of Directors (§§ 183 & 185)

Under the act, the corporation's property and affairs are governed and controlled by its board of directors. The corporation must be governed by an interim board of directors until the initial appointments are made (i.e., until July 15, 2019), but the act does not specify who serves on the interim board.

Initial Members. The act establishes an initial 13-member board of directors to govern the corporation from July 15, 2019, until January 5, 2021. The initial board consists of (1) the governor and three gubernatorial appointees; (2) four appointees of the philanthropic enterprise's director; (3) the corporation's president; and (4) the House speaker, Senate president pro tempore, and the House and Senate minority leaders.

The act requires that all appointments be made by July 15, 2019, except that the corporation's president is appointed upon being hired (presumably by the board). Additionally, if the philanthropic enterprise's director does not make his or her appointments by this date, then the act allows the governor to make them instead. The act requires that (1) any vacancy be filled by the appointing authority for the balance of the term within 30 days after it occurs and (2) the governor fill any vacancy that has not been filled within this timeframe.

Under the act, an individual's service as a board member, officer, or employee does not make the individual a (1) public official or state employee, as defined in the State Code of Ethics, or (2) state contractor or prospective state contractor subject to existing law's contractor political contribution ban.

The act requires directors to serve until a successor is appointed and qualified, but does not specify a manner of succession.

Succession. The act requires the governor, philanthropic enterprise, House speaker, Senate president pro tempore, and House and Senate minority leaders to collaborate to determine the criteria and composition of the succeeding board of directors. This must include the number of directors; legislative, gubernatorial, and philanthropic appointments; term lengths; and experience requirements.

The experience criteria must include experience in public education; social-emotional behavioral supports; family involvement and support; student engagement; physical health and wellness; social work and case management; workforce development; philanthropy; or community enterprise development, including social entrepreneurship and microfinance.

The act does not specify a deadline for making these determinations.

Reports (§§ 183 & 184)

The act requires the corporation to submit semi-annual reports to the governor, State Board of Education, State Department of Education, Department of Economic and Community Development, Office of Policy and Management, and the Appropriations and Education committees. The corporation must also post the report on its website.

The act requires that the report be in a form and substance agreed to by the corporation and governor, but does not otherwise specify any required contents or deadlines.

Additionally, the act requires the corporation to monitor, measure, and annually report to the above entities its progress in achieving specific agreed-upon impact objectives. The act does not establish a reporting deadline or specify what these objectives are.

Duties (§ 184)

The act requires the corporation to work with non-profits, high schools, school districts, higher education institutions, employers, and other entities to connect youths and young adults ages 14 to 24 to upwardly mobile career opportunities. The corporation must support public education and workforce development programs that include an integrated focus on youth development with programming to provide youths and young adults with holistic supports needed to succeed. The corporation must also work with stakeholders in under-resourced communities to ensure public input and participation in program design while remaining focused on advancing positive outcomes as quickly and sustainably as possible.

Additionally, the act requires the corporation to support and encourage microfinance and social entrepreneurship initiatives in order to expand economic opportunity in under-resourced communities.

Funding and Other Assistance Provided to Corporation (§§ 186-189)

Private Sources. The act requires the philanthropic enterprise to provide \$20 million to the corporation for FY 20 in furtherance of the corporation's purposes (see § 183). It requires the "participants to the collaboration" to seek an additional \$20 million (presumably for FY 20) from other private sector sources to further the collaboration. (The act does

not define “participants to the collaboration.” Presumably, they would include the philanthropic enterprise and the state.) However, the act specifies that this additional contribution is not a condition of the state’s or philanthropic enterprise’s funding.

State. The act requires the state to transfer \$20 million from the General Fund to the philanthropic match account in FY 20 that the act establishes (see below). The state must do so upon the philanthropic enterprise’s certification to the OPM secretary that it has transferred \$20 million to the corporation. The act specifies that the state’s contribution is in furtherance of the corporation’s purposes (see § 183).

Philanthropic Match Account. The act establishes the philanthropic match account as a separate, nonlapsing account within the General Fund that must contain any moneys required by law to be deposited into the account. It requires the OPM secretary to spend funds from the account to match philanthropic gifts made by the philanthropic enterprise to the corporation. The secretary may enter into agreements with other state agencies or other private entities in order to make payments of the funds in the account to the corporation.

The act allows the OPM secretary to spend \$20 million from the account in any fiscal year for a maximum of five fiscal years. To do so, she must enter into an agreement under which the corporation confirms that it has received \$20 million in the applicable fiscal year from the philanthropic enterprise. However, the act transfers money from the General Fund to the account for FY 20 only.

Future Years. For FYs 21-24, the act requires the state and philanthropic enterprise to evaluate the collaboration’s funding needs (presumably, this refers to the corporation) and endeavor to maintain the same level of financial support as the act requires for FY 20, subject to the same match and certification requirements described above.

Other Assistance by State. The act allows the state to provide assistance matching the philanthropic enterprise’s contribution to the corporation while the corporation’s application for federal tax-exempt status is pending. Under the act, if the status is denied, the corporation must repay the state’s assistance.

The act also allows the state to provide assistance to the corporation through contractual arrangements as may be agreed upon by the corporation and the OPM secretary.

Financial Assistance Provided by Corporation (§ 187)

The act requires the corporation’s board of directors, in its discretion, to establish policies and procedures governing the corporation’s provision of financial assistance that it deems prudent, necessary, and consistent with the corporation’s required purpose. The corporation must provide this assistance upon terms and conditions consistent with the board’s adopted policies and procedures.

Under the act, the terms and conditions may include the following:

1. eligibility criteria for state and local government agencies, private for-profit and not-for-profit institutions, and individuals to apply for and receive grants, loans, or other forms of assistance from the corporation;
2. procedures for applying for and receiving funding; and
3. a requirement of funding commitments and awards from other sources, including financing from quasi-public agencies; federal, state, and local government agencies; and private for-profit and not-for-profit institutions.

§ 190 — LCO TECHNICAL CHANGES

Allows LCO to make technical, grammatical, and punctuation changes to carry out the act’s purposes

The act allows the Legislative Commissioners’ Office (LCO), in codifying its provisions, to make any technical, grammatical, and punctuation changes, and correct inaccurate internal references, as needed to carry out the act’s purposes.

EFFECTIVE DATE: Upon passage

§§ 191-206 — ESTHETICIAN, NAIL TECHNICIAN, AND EYELASH TECHNICIAN LICENSURE

Requires estheticians, nail technicians, and eyelash technicians to be licensed; allows schools for them to be established; sets annual inspection standards; requires spas or salons to be under the management of a DPH-credentialed individual; extends existing law’s human trafficking notice requirement to additional establishments

Overview

The act establishes licensing requirements for estheticians, nail technicians, and eyelash technicians. It generally

requires individuals to obtain a DPH license or temporary permit (1) by July 1, 2020, to practice as an esthetician or an eyelash technician and (2) by January 1, 2021, to practice as a nail technician. Individuals may apply for licensure beginning (1) January 1, 2020, for estheticians and eyelash technicians and (2) October 1, 2020, for nail technicians. Prior law did not credential nail technicians, but the act allows nail technicians who do not have the requisite experience to apply for a nail technician trainee license. The act subjects these licenses and permits to existing DPH penalties.

Among other things, the act:

1. allows schools for estheticians and nail and eyelash technicians to be established, subject to DPH approval;
2. subjects businesses offering esthetician and eyelash technician services to an annual local health inspection that is already required for nail technician services; and
3. requires spas or salons to be under the management of a DPH-credentialed individual.

The act also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2020, except provisions with the definitions, salon inspections, and hairdressing and cosmetology schools are effective July 1, 2019.

Licensing and Temporary Permit Requirements (§§ 192-194, 199, 201 & 202)

Licensing. The act requires anyone seeking an initial DPH license as an esthetician or eyelash or nail technician to apply on a DPH-prescribed form with a \$100 application fee and provide evidence that he or she has:

1. practiced continuously in the state in the field for which the license is sought for at least two years before the start date of the license requirement and attests that he or she is in compliance with infection prevention and control guidelines (see below) or
2. completed the minimum hours of required study in an approved school (see below), or an out-of-state school with equivalent requirements, and received certification of completion documentation from the school.

The act requires applicants to provide evidence to DPH that they received a certification of completion for at least the following hours of study: (1) 600 for estheticians, (2) 50 for eyelash technicians, and (3) 100 for nail technicians.

Nail technicians may also be licensed if they obtained a certification as a nail technician trainee and a signed statement from the applicant's supervisor from the spa or salon where the trainee is employed that documents the completion of the minimum requirements in accordance with the act's requirements. If applicants employed as nail technicians on or after September 30, 2020, do not have evidence, to the commissioner's satisfaction, of at least two years of continuous practice as a nail technician, they may apply to DPH for a nail technician trainee license, which the act establishes (see below). Additionally, the licensing provisions do not apply to students enrolled in a program at a school in the technical education and career system.

Definitions. Under the act, an "esthetician" is anyone who performs esthetics for compensation. "Esthetics" means services related to skin care treatments, including (1) cleansing, toning, stimulating, exfoliating, or performing any similar procedure on the human body while using cosmetic preparations, hands, devices, apparatuses, or appliances to enhance or improve the skin's appearance; (2) applying makeup; (3) beautifying lashes and brows; or (4) removing unwanted hair using manual and mechanical means. It does not include using a prescriptive laser device, performing a cosmetic medical procedure, or any practice, activity, or treatment that is considered practicing medicine; applying makeup at a rented kiosk located in a shopping center; or practicing hairdressing and cosmetology by licensed hairdressers or barbers as part of their scope of practice.

"Shopping center" means a grouping of retail businesses and service establishments on a single site with common parking facilities and containing at least 25,000 square feet of gross building floor area.

An "eyelash technician" is a person who, for compensation, performs individual eyelash extensions, eyelash lifts, or perms and eyelash color tints.

A "nail technician" is a person who for compensation cuts, shapes, colors, cleanses, trims, polishes, or enhances the appearance of the nails of the hands or feet. It does not include any practice, activity, or treatment that is considered practicing medicine.

Licensing. Under the act, licenses must be renewed biennially for a fee of \$100. The act prohibits individuals from carrying on as licensees after their license has expired. The renewal must occur during the licensee's birth month, with the licensee providing his or her full name, residence and business address, and other information DPH requests.

The act prohibits DPH from issuing a license or temporary permit if the applicant is facing pending professional disciplinary action or is the subject of an unresolved complaint in Connecticut or another state or jurisdiction.

The act prohibits anyone from using the title "esthetician," "eye lash technician," "nail technician," or similar titles unless he or she holds a license or temporary permit.

Out-of-State Licenses. The act allows DPH to grant a license to certain people who, at the time of application, are licensed or entitled to perform similar services under a different designation in Washington D.C. or another state or U.S.

commonwealth or territory. These individuals must provide evidence, satisfactory to the DPH commissioner, of (1) a current license in good standing and (2) a licensed practice in such jurisdiction for at least two years immediately before applying.

Enforcement and Disciplinary Action. The act allows the DPH commissioner to take disciplinary action against a licensee for:

1. failing to conform to the accepted standards of the profession;
2. a felony conviction;
3. fraud or deceit in obtaining, or seeking reinstatement of, a license or in the scope of practice;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness; or
6. abuse or excessive use of drugs, including alcohol, narcotics, or chemicals.

By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license, (2) censuring the violator, (3) issuing a letter of reprimand, (4) placing the violator on probationary status, or (5) imposing a civil penalty (CGS § 19a-17).

Under the act, the commissioner may order a licensee to undergo a reasonable physical or mental examination if his or her capacity to practice safely is under investigation. The act allows the commissioner to petition Hartford Superior Court to enforce such an examination order or any DPH disciplinary action. The commissioner must give the person notice and an opportunity to be heard before taking disciplinary action.

Practicing Temporarily. The act establishes certain conditions under which people licensed or practicing out-of-state may temporarily provide esthetics, eyelash, or nail services without obtaining a Connecticut license.

Pending license approval, the act allows the commissioner to issue a temporary permit after she receives a completed application, application fee, and a copy of the current license from the other jurisdiction. The temporary permit is only valid for up to 120 calendar days and is not renewable.

The act also allows certain people at events, such as a professional course, seminar, workshop, trade show, or product demonstration, to practice temporarily without a license or temporary permit under certain conditions. They may do so if, at the event, they are (1) providing instruction on techniques related to their respective field or (2) participating in demonstrating the practice of the field or a product related to the practice as part of the event.

These instructors or participants must:

1. be licensed or certified where they primarily practice as an esthetician or eyelash or nail technician, as the case may be, if the jurisdiction requires such credential;
2. practice as an esthetician or eyelash or nail technician, as the case may be, under the direct supervision of a Connecticut licensee in the respective field;
3. not receive compensation for practicing as a licensee in the state, other than for their instruction or participation; and
4. provide instruction or demonstrate techniques or services related to practicing as an esthetician or eyelash or nail technician, as the case may be, only for people enrolled in the course, seminar, or workshop or attending the trade show or event where they are providing instruction or demonstrating a product, or offering these services.

Any person or organization that holds or produces an event with these licensees without a DPH credential must ensure they comply with the act's requirements on practicing without a credential.

Esthetician and Nail Technician Exception. Under the act, the esthetician and nail technician requirements do not apply to (1) physicians; (2) APRNs working in collaboration with a physician; (3) registered nurses working under the direction of a licensed physician, dentist, or APRN; or (4) physician assistants working under a physician's supervision, control, or responsibility. Additionally, the nail technician requirements do not apply to podiatrists.

Prohibition on Creating a Board. The act specifically prohibits the creation of a regulatory board for these licenses. By law, DPH assumes all powers and duties normally vested with a board in administering regulatory jurisdiction over these professions (CGS § 19a-14).

Combination License. Starting January 1, 2020, the act allows individuals, instead of applying for separate licenses, to apply to DPH for a combination license to practice as a combination of an esthetician and eyelash and nail technician.

Applicants must apply to DPH on a department-prescribed form accompanied by (1) either a \$100 fee if applying for the practice of two of such occupations or \$200 if applying to practice all three and (2) evidence that the applicant satisfies the applicable licensing requirements the act requires.

Under the act, combination licenses must be renewed biennially for a fee of \$100. The act prohibits anyone from carrying on these licensed occupations after the license expires until he or she has applied to DPH for renewal.

The act prohibits DPH from issuing a combination license to applicants with pending professional disciplinary action against them or who are the subject of an unresolved complaint in any state or jurisdiction.

Regulations. The act allows the DPH commissioner to adopt regulations to implement the act's esthetician, eyelash

and nail technician, and combination license provisions.

Nail Technician Trainee (§ 195)

Under the act, anyone who is employed as a nail technician on or after September 30, 2020, but does not have evidence, satisfactory to the commissioner, of at least two years of continuous practice as a nail technician may apply to DPH for a nail technician trainee license, provided he or she applies by January 1, 2021. Under prior law, nail technicians were not credentialed, but salons employing such services are inspected annually (see below).

The act requires anyone seeking an initial DPH nail technician trainee license to apply on a DPH-prescribed form with a \$50 application fee. The application must include the name and address of the (1) spa or salon where the person is employed and (2) licensed nail technician who will supervise the trainee. Upon granting the license, the trainee may practice as a nail technician under a licensed nail technician at a spa or salon that is managed by a credentialed person, which the act requires (see below).

Under the act, the license is valid for one year and is renewable once for an additional year, for \$50. The act prohibits anyone from holding such a license for more than two years. A person who has held a trainee license for at least one year and completed a DPH-prescribed examination may apply for a nail technician license.

Under the act, anyone who has held a nail technician trainee license for at least one year and obtained a statement signed by the supervising nail technician documenting that the trainee has completed a minimum of 20 hours per week of training in the techniques associated with the licensure of a nail technician and infection prevention and control plan guidelines (see below), may apply for a nail technician license.

Salon Inspections and Infection Prevention and Control Plan Guidelines (§ 196)

By law, the health director for any town, city, borough, or district health department, or his or her authorized representative, must annually inspect salons regarding their sanitary conditions. The act requires that these inspections be done in compliance with the standards the act requires DPH to establish (see below).

The act also requires a health director who has found a salon to be in unsanitary condition to issue a written order that the salon correct any inspection violations the health official identified, rather than a written order that the salon be placed in a sanitary condition as prior law required.

Additionally, the act subjects businesses providing esthetician and eyelash technician services to the annual local health inspection by adding these services to the definition of salon. Under existing law, salons already include nail technician services and any commercial establishment with the practice of barbering, hairdressing, and cosmetology.

The act increases the maximum inspection fee that a health director may charge from \$100 to \$250.

Standards. By October 1, 2019, the act requires DPH, in collaboration with the state's local health directors, to establish a standardized inspection form and guidelines on the standards for inspecting a salon's sanitary conditions, which DPH must post on its website. These guidelines must include the:

1. use of personal protective equipment, including disposable gloves as a barrier against infectious materials;
2. immediate disposal after use in a covered waste receptacle of all articles that (a) came into direct contact with the customer's skin, nails, or hair and (b) cannot be effectively cleaned or sanitized;
3. proper cleaning and sanitizing of bowls used for soaking fingers;
4. use of hospital-grade cleaner to clean the area and materials used in hairdressing and cosmetology and by nail technicians, including chairs, armrests, tables, countertops, trays, seats, and soaking tubs for both hands and feet; and
5. availability of handwashing sinks in an area where the hairdresser, cosmetologist, or nail technician is working.

Schools (§§ 197 & 206)

The act allows schools for estheticians, nail technicians, or eyelash technicians to be established in this state. DPH may inspect these schools regarding their sanitary conditions whenever the department deems it necessary. Any DPH authorized representative may enter and inspect the school during usual business hours. If any school, upon inspection, is found to be in an unsanitary condition, the commissioner or a designee must make a written order that the school be placed in a sanitary condition.

The act requires these schools to obtain DPH approval before beginning operations. Any such school established before January 1, 2020, must apply for approval before July 1, 2020. The approval becomes void if a school changes ownership or location and the school must apply for a new approval. Applications for approval must be on a DPH-prescribed form. If a school fails to comply with the approval process, no credit toward the hours of study required for

licensure will be granted to any student for instruction received before the school is approved.

The act requires any instructor employed at an approved school to have at least two years' experience in the occupation being taught and must hold a Connecticut or out-of-state license in that occupation.

The act expands "private occupational schools" to include any program, school or entity offering postsecondary instruction in cosmetology or the occupation of esthetician or nail or eyelash technician. In doing so, it subjects these schools to oversight by OHE, including the requirement that they obtain a certificate of authorization. Additionally, the act's school provisions do not apply to any school in the Technical Education and Career System.

Spa and Salon Management (§ 198)

Beginning July 1, 2021, the act requires each spa or salon that employs hairdressers, cosmeticians, estheticians, or eyelash or nail technicians to be under the management of a DPH-credentialed hairdresser, cosmetician, esthetician, or eyelash or nail technician.

Under the act, "salon" and "spa" include any shop, store, day spa, or other commercial establishment that offers or provides the practice of barbering, hairdressing, and cosmetology, or the services of an esthetician, nail technician, or eyelash technician, or any combination of these.

The act requires the managing person to file with the secretary of the state anything required for limited partnerships, partnerships, professional associations, limited liability companies, or statutory trusts. The managing person must also maintain payroll records, classify employees according to state law, and provide workers' compensation coverage, if required.

Human Trafficking Notice Requirements (§ 200)

The act extends existing law's human trafficking notice requirement to establishments that provide estheticians' services by adding these establishments to the list of places that must post a notice developed by the office of the chief court administrator about services for human trafficking victims. Existing law already requires this notice for establishments that provide services performed by nail technicians, among other establishments.

By law, this notice must be in plain view in a conspicuous location and state the toll-free state and federal anti-trafficking hotline numbers that someone can call if he or she is forced to engage in an activity and cannot leave. Operators who fail to comply with the notice provision must pay a civil penalty of \$100 for the first violation and \$250 for subsequent violations, in addition to any proceedings for revoking or suspending the relevant credential.

Hairdressing and Cosmetology (§§ 203-205)

The act narrows what is considered "hairdressing and cosmetology" by excluding (1) manicuring a person's fingernails from the definition under prior law and (2) esthetics or certain other actions (e.g., cleansing) performed on the nails of the hands or feet.

Under the act, any approved school for hairdressing and cosmetology instruction may choose to provide instruction in the occupation of esthetician or nail or eyelash technicians. The school must notify DPH of the choice before beginning such instruction.

The act specifies that it should not be construed to require a person to obtain a license as an esthetician or nail or eyelash technician in order to practice hairdressing and cosmetology or barbering.

§§ 207 & 208 — LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ) HEALTH AND HUMAN SERVICES NETWORK

Establishes the LGBTQ Health and Human Services Network and charges it with building a safer and healthier environment for LGBTQ people

The act establishes the LGBTQ Health and Human Services Network to make recommendations to the state legislative, executive, and judicial branches concerning health and human services delivery to LGBTQ people in the state. It establishes the network's membership and charges it with, among other things, working to build a safer and healthier environment for LGBTQ people.

The act requires the DPH, within available appropriations, to (1) assist the network with conducting a needs analysis concerning health and human services for LGBTQ people and (2) award grants to organizations that further the network's mission.

EFFECTIVE DATE: July 1, 2019

Responsibilities

The act requires the network to build a safer and healthier environment for LGBTQ people by:

1. conducting a needs analysis, within available appropriations;
2. collecting additional data on the health and human services needs of such people, as necessary;
3. informing state policy through reports, submitted at least biennially, to the governor, chief court administrator, and the Appropriations, Human Services, and Public Health committees (and other committees, as necessary); and
4. building organizational member capacity, leadership, and advocacy across the geographic and social spectrum of the LGBTQ community.

Membership

Under the act, network membership includes the following executive officers (or their designees), serving at the will of the House speaker and Senate president pro tempore, who may also set their term limits:

1. the executive directors of the following organizations: AIDS Connecticut; the Commission on Women, Children, Seniors, Equity, and Opportunity; Connecticut chapter of the Gay, Lesbian, and Straight Education Network; Connecticut Transadvocacy Coalition; Hartford Gay and Lesbian Health Collective; New Haven Pride Center; Queer Unity Empowerment Support Team; Rainbow Center at the University of Connecticut; Safe Harbor Project; Triangle Community Center in Norwalk; and True Colors, Inc.; and
2. the presidents of Connecticut Latinas/os Achieving Rights and Opportunities, OutCT in New London, and Connecticut Community Care.

Its membership also includes the following appointees (or their designees):

1. a licensed physician who is LGBTQ, appointed by the House speaker;
2. an LGBT veteran care coordinator assigned to a U.S. Department of Veterans Affairs health care facility in the state, appointed by the Senate president pro tempore; and
3. a member of the LGBT Aging Advocacy coalition, appointed by the governor.

The act requires appointments to be made by August 30, 2019. It directs the House speaker, in consultation with the Senate president pro tempore, to fill any vacancies, and allows them to each appoint additional members. Under the act, network members must choose the chairpersons. The administrative staff of the Commission on Women, Children, Seniors, Equity, and Opportunity must provide the network with administrative support.

§§ 209 & 210 — HEALTH INSURANCE COVERAGE FOR BREAST ULTRASOUNDS, MAMMOGRAMS, AND MRIS

Expands coverage for ultrasounds and eliminates out-of-pocket expenses for ultrasounds, mammograms, and MRIs under certain health insurance policies

The act (1) expands coverage for breast ultrasound screenings under certain health insurance policies and (2) prohibits these policies from charging coinsurance, copayments, deductibles, and other out-of-pocket expenses (i.e., cost-sharing) for covered breast ultrasounds, mammograms, and MRIs, with certain exceptions for high-deductible health plans (HDHPs).

The act applies to each health carrier (e.g., insurer or HMO) that delivers, issues, renews, amends, or continues in Connecticut (1) individual or group health insurance policies that cover (a) basic hospital expenses; (b) basic medical-surgical expenses; (c) major medical expenses; or (d) hospital or medical services, including those provided under an HMO plan and (2) individual health insurance policies that provide limited benefit health coverage. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

Expanded Coverage

The act expands coverage by requiring these policies to cover breast ultrasounds for women whose physicians recommend it and who (1) are ages 40 or older, (2) have a family history or personal history of breast cancer, or (3) have a personal history of benign breast disease. Existing law requires this coverage for women whose mammogram shows

heterogeneous or dense breast tissue or who have an increased chance of breast cancer due to family or personal history, positive genetic testing, or other high risk indicators.

Cost-Sharing

The act eliminates cost-sharing for breast ultrasounds, mammograms, and MRIs for which health insurers must provide coverage, except the provisions apply to HDHPs to the maximum extent (1) permitted by federal law and (2) that does not disqualify someone who establishes a health savings account (HSA) or Archer Medical Savings Account (MSA) from receiving associated federal tax benefits. Prior law prohibited carriers from charging copayments that exceeded \$20 for breast ultrasounds.

EFFECTIVE DATE: January 1, 2020

§ 211 — CSU ENDOWED CHAIR

Makes \$150,000 available to the Connecticut State Universities in FYs 20 and 21 for an endowed chair in public policy and practical politics

For FYs 20 and 21, the act makes \$150,000 of the budget funds appropriated for the Connecticut State Colleges and Universities, for Connecticut State University, available in each fiscal year for the William A. O’Neill Endowed Chair in Public Policy and Practical Politics.

EFFECTIVE DATE: July 1, 2019

§§ 212-227 — MUNICIPAL REDEVELOPMENT AUTHORITY (MRDA)

(1) Creates MRDA as a quasi-public agency to stimulate economic and transit-oriented development; (2) authorizes MRDA to (a) develop property and manage facilities in development districts encompassing the areas around transit stations and downtowns, (b) issue bonds and other notes backed by its financial resources and (c) enter into an MOA with CRDA for administrative support and services; and (3) makes the state liable for any bond, note, or other financial obligations MRDA cannot pay

Quasi-Public Agency (§§ 212-213 & 224-225)

The act creates the Connecticut Municipal Redevelopment Authority (MRDA) as a quasi-public agency to stimulate economic and transit-oriented development, among other things. Under the act, MRDA is not a state department, institution, or agency, but it is subject to statutory procedural, operating, and reporting requirements for quasi-public agencies, including lobbying restrictions and the State Code of Ethics.

MRDA has perpetual succession as long as any of its obligations (e.g., bonds) are outstanding or until the authority is terminated by law. Termination does not affect MRDA’s outstanding contractual obligations, however. Its rights and properties vest in the state when it lawfully terminates.

Purpose (§ 214)

The act authorizes MRDA to develop property and manage facilities in development districts encompassing the areas around transit stations and downtowns (i.e., “MRDA development districts”). Under the act, MRDA must stimulate economic and transit-oriented development (TOD) in development districts.

Under existing law and the act, TOD means development within one-half mile or walking distance of public transportation facilities (including rail and bus rapid transit and services) that meets transit-supportive standards for land uses, built environment densities, and walkable environments in order to facilitate and encourage their use.

The act also requires MRDA to:

1. encourage residential housing development in development districts;
2. manage facilities through contracts or other legal instruments;
3. stimulate new investment within development districts and support the creation of a vibrant, multidimensional downtown;
4. assist a district’s member municipalities, at the request of their legislative bodies, in development and redevelopment efforts to stimulate their economy;
5. encourage property development and redevelopment within development districts;

6. enter into an agreement to facilitate such development or redevelopment, at the Office of Policy and Management (OPM) secretary's request and with the approval of the municipalities' CEOs;
7. engage residents of member municipalities and other stakeholders in development and redevelopment efforts; and
8. market and develop the districts as vibrant and multidimensional.

Member Municipalities (§ 216)

Under the act, and with certain exceptions, members are:

1. municipalities classified by OPM as a designated Tier III or IV municipality (i.e., fiscally distressed municipalities subject to the Municipal Accountability Review Board's oversight);
2. municipalities with a population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to become members; or
3. two or more municipalities with a combined population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to jointly become members ("joint members").

Under the act, Tier III and IV municipalities are deemed members. However, Bloomfield, East Hartford, Hartford, Newington, South Windsor, Wethersfield, West Hartford, and Windsor are not eligible to become members, regardless of tier or status.

Other municipalities may opt to become members through a certified resolution of their local legislative body. Municipalities that opt to join as joint members do so through concurrent resolutions, which must establish authority for decisions regarding projects located within such municipalities' development districts. Before adopting a resolution or concurrent resolution, municipalities must hold public hearings.

Local Development Boards (§ 216)

Each member's legislative body must appoint a local development board to serve as its liaison to MRDA. Joint-members' legislative bodies must appoint a board jointly.

The board must include (1) individuals representing the municipality (two from each municipality for joint members, three for other municipal members); (2) the municipality's or municipalities' CEO or CEOs, serving as the chairperson or, for joint-member boards, co-chairpersons; and (3) one member of MRDA's board, chosen by the MRDA board's chairperson.

The board may include other individuals, such as a representative of a local human service or housing organization. In making its appointments, the members' legislative bodies must, to the extent possible, appoint representatives of minority-owned businesses, advocates for walkable communities, and members who are diverse.

Establishment of Development Districts (§§ 212, 216 & 222)

The act requires member municipalities to enter into a memorandum of agreement (MOA) with MRDA to establish at least one development district. Similarly, MRDA must delineate development district boundaries through an MOA with the municipality or municipalities in which the district will be located. The development district must (1) be in a "downtown" area or (2) not extend beyond a half-mile radius from a transit station. "Downtown" means a central business district or other commercial neighborhood area of a community that serves as a center of socioeconomic interaction in the community, characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious, and residential buildings and public spaces, that are typically arranged along a main street and intersecting side streets and served by public infrastructure.

"Transit stations" are passenger railroad or bus rapid transit stations located in the member municipality's jurisdiction that (1) are operational, (2) the Department of Transportation (DOT) is planning, or (3) are included in DOT's state-wide transportation investment program (a document, updated every four years, listing transportation projects expected to receive federal funding).

Before entering into an MOA to establish a development district, MRDA must review and approve the member's economic development master plan, as it was approved by the local legislative body or bodies. These plans are comprehensive economic development plans designed to increase the municipality's or municipalities' tax base to a level allowing it to provide an adequate level of municipal services.

In developing local plans, municipalities must provide for community and stakeholder input and a public comment process. MRDA must offer support, upon request, to municipalities creating their plans. In determining whether to

approve a plan, MRDA must consider whether it includes a clear and feasible path toward achieving as many of MRDA's purposes as practical and appropriate in the context of the member municipality's unique characteristics.

General Powers (§ 214)

The act gives MRDA general powers to function as a quasi-public agency and specific powers related to projects occurring within an MRDA development district's boundaries ("authority development projects"). The general powers allow it to:

1. have perpetual succession as a corporate body;
2. adopt and alter a corporate seal;
3. adopt procedures for regulating and conducting its affairs;
4. maintain an office;
5. sue and be sued;
6. purchase insurance for its property, other assets, and employees;
7. enter into contracts and MOAs;
8. acquire, lease, purchase, own, manage, hold, and dispose of personal property and enter into agreements with respect to such property;
9. engage consultants, attorneys, and appraisers;
10. invest funds that are not immediately needed in (a) obligations issued or guaranteed by the state or federal government; (b) legal investments for savings banks in Connecticut; and (c) in-time deposits, certificates of deposit, or similar arrangements; and
11. do all things necessary and convenient to carry out these powers.

The act authorizes MRDA to employ staff as necessary, but specifies that they are not state employees, and MRDA is not an employer, under the state's collective bargaining law. However, for purposes of health and life insurance, MRDA employees and officers are considered state employees. MRDA may establish and modify personnel policies, including policies on hiring, employee compensation, promotion, retirement, and collective bargaining.

Development Districts (§§ 212 & 222)

Under the act, "projects" in a development district include (1) the design and construction of transit-oriented development, (2) the creation of housing units through rehabilitation or new construction, (3) the demolition or redevelopment of vacant buildings, and (4) development and redevelopment. Projects that receive authority support must be consistent with the (1) members' economic development master plans and plans of conservation and development and (2) applicable Comprehensive Economic Development Strategy. (These are prepared by regional economic development districts.)

MRDA's Development District Powers (§ 214)

With respect to projects occurring in an MRDA development district's boundaries, MRDA may do the following:

1. acquire real property by means such as gifts, purchases, leases, or transfers;
2. dispose of property;
3. receive money, property, and labor from any source, including government sources;
4. enter into common area maintenance, easement, access, support, and similar agreements with regard to property; and
5. own and operate facilities associated with authority development projects.

In exercising these powers, MRDA must (1) provide an opportunity for public comment before any acquisition, transfer, or disposal and (2) comply with the state code of ethics for public employees when receiving any land, or right therein, aid, or contribution. In addition, with respect to projects in a development district, MRDA may also:

1. plan for, acquire, finance, construct, develop, lease, purchase, repair, operate, market, and maintain facilities;
2. collect fees and rents from the facilities it develops and adopt procedures for operating them;
3. enter into contracts, including contracts for construction, development, concessions, and the procurement of goods and services, as well as, marketing and promotional activities for projects;
4. borrow money, issue bonds, and do anything necessary and desirable, including entering into credit agreements, to make the bonds more marketable;
5. engage independent professionals, such as lawyers, engineers, accountants, and architects; and
6. adopt and amend procurement procedures.

The act specifies that its provisions do not limit MRDA from entering into agreements to facilitate the development or redevelopment of municipal property or facilities.

Local Boards' Development District Powers (§ 216)

The act delegates to local development boards authority to perform certain functions that it also delegates to MRDA. Specifically, the boards may:

1. acquire real property by gift, purchase, lease, or transfer;
2. dispose of property;
3. receive money, property, and labor from any source, including government sources;
4. purchase insurance for its property, other assets, and employees;
5. plan for, acquire, finance, construct, develop, lease, purchase, repair, operate, market, and maintain facilities;
6. collect fees and rents from the facilities it develops and adopt procedures for operating them;
7. engage architects, engineers, attorneys, accountants and other professionals necessary; and
8. enter into contracts, including contracts for construction, development, concessions, and the procurement of goods and services.

The act requires the boards to consult with MRDA before taking any such actions. Additionally, MRDA must provide an opportunity for public comment before the board may acquire, transfer, or dispose of any real property rights.

MOA with CRDA (§ 214)

The act authorizes MRDA to enter into an MOA with the Capital Region Development Authority (CRDA) under which (1) CRDA provides administrative support and services, including staff support, and (2) the authorities coordinate management and operational activities, including, (a) joint procurement and contracting, (b) shared services and resources, (c) promotional activities, and (d) arrangements enhancing revenues, reducing operating costs, or achieving operating efficiencies. The MOA can specify the terms and conditions for these relationships, including reimbursement by MRDA to CRDA.

Bonding Authority (§§ 219-221 & 226)

The act authorizes MRDA, by resolution of its board of directors, to issue bonds with terms of up to 30 years, notes, and other obligations. These financing instruments are secured by MRDA's financial resources and may be additionally secured by grants and other contributions. The act allows MRDA to determine how it will issue and repay the bonds and specifies terms and conditions it may include in its agreement with bondholders.

Under the act, authority bonds are not backed by the state's full faith and credit or guaranteed by the state or any of its political subdivisions and must say so on their face. They do not count toward the state's bond cap. But, the act makes the state liable for bonds, notes, or other debts the authority cannot pay.

The authority's pledge of its income, revenue, or other property is legally binding and subject to liens. Under the act, a lien on such a pledge is binding against all parties with a claim against MRDA, regardless of whether the parties received a notice of the lien.

The act makes MRDA bonds fully negotiable and legal investments. It authorizes MRDA to buy insurance to cover debt service payments and allows the board to purchase, hold, cancel, and sell the authority's bonds in accordance with its agreements with bondholders. MRDA may make whatever representations or agreements are needed to exempt its bonds from federal income tax.

The act authorizes the public and private sale of bonds, notes, or other obligations at prices determined by MRDA's board. The authority may refund or renew these financing instruments. MRDA's board may purchase bonds, notes, and other obligations out of any funds available for such purpose. It may also hold, cancel, or resell them in accordance with agreements with their holders.

The act exempts board directors and those executing bonds or notes from personal liability unless their conduct was wanton, reckless, willful, or malicious. However, it gives bondholders and their trustees the right, subject to the provisions of the bond resolution, to take legal action to force the board to perform its duties. The act makes the bond proceeds and other revenue connected with the bonds trust funds, which must be used as the bond resolution specifies.

Under the act, the state pledges not to limit or alter the authority's or its bondholders' or contractors' rights until the obligations are discharged, unless it adequately protects the bondholders and contractors. The state's pledge applies to bonds, notes, and other obligations for which the state has pledged contract assistance. It authorizes MRDA to include this pledge in its bonds, other obligations, and contracts.

Property Taxes in Development Districts (§ 214)

The act authorizes MRDA to negotiate, and, with the OPM secretary's approval, enter into an agreement with a private developer, owner, or lessee of a building or improvement in a development district providing for payment to the authority in lieu of real property taxes. Such agreements are required as a condition of any private right of development within a district, and must include a requirement that the private developer, owner, or lessee make good faith efforts to hire, or cause to be hired, qualified minority business enterprises to provide construction services and materials for improvements in the district, in an effort to achieve a minority business enterprise utilization goal of 10% of the total costs of construction services and materials for such improvements.

Any payments in lieu of taxes have the same lien, priority, and enforcement mechanisms as municipal property taxes. MRDA must use the payments to carry out its general purposes.

Coordinating Projects (§ 218)

The act requires (1) MRDA to coordinate all state, municipal, and quasi-public agency planning and financial resources that are allocated for a development district project in which it is involved and (2) all state and quasi-public agencies to cooperate with MRDA.

Applicants requesting state funds for an MRDA development district project must submit a copy of their application, along with supporting documents, to the OPM secretary and MRDA. MRDA has 90 days to give the funding agency its written recommendations (called an "economic development statement"), which must include provisions regarding performance standards, including project timelines.

A state agency or agent cannot spend funds on such a project until it receives MRDA's recommendations or 90 days has passed, whichever is sooner. If it expends funds inconsistently with the statement's recommendations, it must give MRDA a written explanation about this decision. If the state agency or agent spends funds in a manner inconsistent with MRDA's economic development statement, the state officer, official, employee or agent must respond in writing to MRDA with an explanation of its decision regarding the expenditure.

Hiring Local Employees (§ 223)

MRDA and member municipalities must encourage businesses, as appropriate, to hire local employees. Any business that receives financial assistance from MRDA must enter into an agreement with the state's Workforce Training Authority for assistance with training and recruiting workers. (The authority has not been established.)

Annual Report (§ 217)

Instead of the annual report other quasi-public agencies must submit to the governor and state auditors, the board must annually report, within 90 days after MRDA's fiscal year begins, to the governor, state auditors, and the Finance, Revenue and Bonding Committee on MRDA's finances, procurement, and employment. This report must include:

1. a list of the bonds it issued in the preceding fiscal year and, for each issue, its face value and net proceeds, the names of financial advisors and underwriters, and whether it was competitive, negotiated, or privately placed;
2. the cumulative value of all bonds issued and outstanding;
3. the amount of the state's contingent liability;
4. a description of each project, its location, and the amount the authority spent on its construction;
5. a comprehensive financial report prepared according to generally accepted governmental accounting principles;
6. a list of individuals and firms, including principal and other major stockholders, who received more than \$5,000 for services;
7. the authority's affirmative action policy, a description of its workforce by race, sex, and occupation, and a description of its affirmative action efforts; and
8. a description of the activities planned for the current fiscal year.

Independent Financial Audit (§ 217)

The act requires the board to annually contract with a certified public accounting firm to undertake a financial audit, according to generally accepted auditing standards. It must submit it to the governor, state auditors, and the Finance, Revenue and Bonding Committee.

Compliance Reports (§ 217)

The board must annually contract with a person or firm for a compliance audit. It must submit it to the governor, state auditors, and the Finance, Revenue and Bonding Committee. The compliance audit must check MRDA's performance against its policies and procedures on personnel and affirmative action, procurement, and use of surplus funds.

The act also requires MRDA to designate a contract compliance officer to monitor MRDA's facility operations for compliance with state law and contracting requirements relating to (1) set-asides for small contractors and minority business enterprises and (2) required efforts to hire available and qualified minorities. The compliance officer must file an annual written report, including findings and recommendations, with MRDA.

MRDA Board Membership (§ 213)

Under the act, MRDA's 13-member board consists of eight appointed directors and five ex officio, voting directors: the OPM secretary, and the economic and community development, labor, housing, and transportation commissioners, or their designees. The table below lists the appointed directors and their appointing authority. All appointments must be made by November 30, 2019.

Appointed Board Directors

Appointing Authority	Number of Appointments
Governor	Two
House speaker and Senate president pro tempore (jointly)	Two, one of whom is the chief executive officer of a member municipality in New Haven County
House and Senate majority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Hartford County
House and Senate minority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Fairfield County

Directors serve four-year terms and may be reappointed. Vacancies must be filled for the unexpired term by the original appointing authority. Each must take the constitutional oath of office and records of the oath must be filed with the Secretary of State. Directors (1) may be removed by the appointing authority for malfeasance or willful neglect of duty and (2) if appointed, are deemed to have resigned if they miss three consecutive meetings or 50% of the meetings in a calendar year.

Board Chairperson and Executive Director (§ 213)

Under the act, the governor appoints the board chairperson from among the board members. The board (1) annually elects a vice-chairperson, (2) elects other officers, and (3) designates an executive committee. The chairperson, with the board's approval, must appoint MRDA's executive director, who cannot be a board director. The executive director is (1) a salaried employee, (2) the authority's chief administrative officer, and (3) responsible for supervising the authority's administrative affairs and technical activities, pursuant to the board's directives.

Board Duties (§ 213)

The board must adopt a budget and bylaws. It must report twice a year to the appointing authorities with respect to operations, finances, and achievement of its economic development objective. The board is accountable to the state and must cooperate with it when it audits or otherwise makes inquiries regarding MRDA's operations and projects, including granting the state reasonable access to MRDA projects and records.

MRDA's board must adopt written procedures for:

1. adopting an annual budget and plan of operations, with board approval required before either can take effect;
2. hiring, dismissing, promoting, and paying authority employees, and developing an affirmative action policy, with board approval required before a position may be created or a vacancy filled;
3. acquiring real and personal property and personal services, with board approval required for any non-budgeted expenditure over \$10,000;
4. contracting for financial, legal, bond underwriting, and other professional services, with a requirement for the board to solicit proposals for these services at least once every three years;

5. issuing and retiring bonds and other authority obligations;
6. awarding loans, grants, and other financial assistance, including developing eligibility criteria, an application process, and determining the role played by employees and directors; and
7. using surplus funds.

MRDA must follow the same notice requirements quasi-public agencies follow before adopting its procedures.

Board Deliberations (§ 213)

Under the act, a majority of the directors then in office constitutes a quorum, and a majority of those present can act. Vacancies do not prevent a quorum from acting. The board may act by adopting resolutions at regular or special meetings that take effect immediately unless the resolution specifies otherwise. The board must keep records of its proceedings in a form it chooses, indicating each director's attendance and votes cast.

The board may delegate any of its powers and duties to three or more directors, agents, or employees.

Surety and Compensation (§ 213)

The act requires each director and the executive director to provide an individual surety bond for at least \$100,000. Alternatively, the board chairperson may execute a blanket bond or equivalent insurance product that covers the directors, executive director, and employees. The authority pays the cost of bonds or insurance products. The act prohibits directors from receiving any compensation for performing their official duties.

Conflict of Interest (§ 213)

The act prohibits directors and their immediate family members from having a financial interest in (1) an authority development project, (2) property included or planned for inclusion in any such project, or (3) a contract or proposed contract for material or services used in such projects.

Indemnification (§§ 213 & 221)

MRDA directors, officers, and employees are not personally liable for bonds MRDA issues or for any damage or injury caused by performing duties within the scope of their employment or appointment, as long as the actions are not willful, wanton, reckless, or malicious.

MRDA must indemnify its directors, officers, and employees from financial loss and expense arising from certain specified claims, demands, suits, or judgments involving their actions. This protection applies to individuals performing their duties or acting within the scope of their employment, as long as the act or omission was not wanton, reckless, willful, or malicious.

The act also requires the state to indemnify directors, officers, and employees from financial loss and expense resulting from a claim, demand, suit, or judgment connected to an act or omission related to an MRDA development district project. The protection applies to individuals performing their duties or acting within the scope of their employment, as long as the act or omission was not wanton, reckless, willful, or malicious.

EFFECTIVE DATE: October 1, 2019

§ 228 — YOUTH SERVICES GRANTS

Appropriates \$1.92 million per year, for FYs 20 and 21, to the judicial branch for specified youth services grants

The act appropriates \$1.92 million per year, for FYs 20 and 21, to the judicial branch for the Youth Violence Initiative. Under the act, the appropriated amount must be made available for each fiscal year for grants to specified organizations.

EFFECTIVE DATE: July 1, 2019

§ 229 — FUNDING FOR PROMOTING SERVICE DELIVERY

Reallocates municipal reimbursement and revenue account funds and requires that funds be used to support service delivery

The act reallocates municipal reimbursement and revenue account funds provided to OPM. It requires OPM to use \$250,000 to promote and facilitate implementing the most efficient, high-quality, cost-effective, and responsive service delivery. It correspondingly reduces the amount allocated for (1) the Nutmeg Network by \$70,000, from \$2,174,000 to \$2,104,000, and (2) the universal chart of accounts by \$180,000, from \$450,000 to \$270,000.

EFFECTIVE DATE: July 1, 2019

§§ 230-231 & 401 — INSURANCE DATA SECURITY LAW

Replaces the information security program law with provisions substantially similar to the National Association of Insurance Commissioners (NAIC) insurance data security model law

The act repeals the state's information security program law, replacing it with provisions substantially similar to the National Association of Insurance Commissioners (NAIC) insurance data security model law. In doing so, it generally requires entities licensed by the Insurance Department to:

1. develop and implement an information security program by October 1, 2020, that is risk-assessment based and commensurate with a licensee's business complexity to protect nonpublic information and
2. investigate cybersecurity events along with certain third-party service providers (i.e., entities that can access or are contracted with a licensee to maintain, process, or store nonpublic information) and, within three business days, report any such event to the commissioner.

The act authorizes the commissioner to enforce its provisions, adopt implementing regulations, and fine violators up to \$50,000. It applies existing law's identity theft mitigation and data breach security requirements to all licensees as it relates to the breach of consumers' nonpublic information, which requires businesses to notify consumers of a breach and provide at least two years of identity theft mitigation services at no cost.

Prior law required insurers, pharmacy benefit managers (PBMs), third-party administrators (TPAs), utilization review companies, and any other entity licensed to do health insurance business to implement and maintain a comprehensive information security program to safeguard the personal information of insureds and enrollees. Among other things, the program had to be appropriate to the business' size, scope, type, available resources and data, and the type of security and confidentiality necessary. The act generally incorporates these provisions as they relate to data security breaches, access control measures, investigations, reporting, and oversight. However, the act's requirements are more comprehensive and apply (with limited exceptions) to all entities licensed under the insurance statutes, registered or authorized to operate here, or required to be licensed, registered, or authorized, excluding a purchasing or risk retention group chartered in another state and nondomiciled assuming insurers ("licensees").

The act defines "nonpublic information" as information that is not publicly available, not related to a consumer's age or gender, and that (a) would materially impact a licensee's business, operation, or security if disclosed or used without authorization; (b) is created or derived from a consumer or health care provider and concerns behavioral, mental, or physical health, or health care services or payments; or (c) concerns a consumer's name, number, or other identifiable information that can identify a consumer when used in combination with an access or security code to a consumer's financial account; account, credit, or debit card number; biometric records; driver's license or nondriver identification number; or Social Security number.

It also defines a "cybersecurity event" as an unauthorized access of information systems or nonpublic information.

EFFECTIVE DATE: October 1, 2019, for the provisions on the new insurance data security law (§ 230) and October 1, 2020, for the provisions on identity theft mitigation services requirements (§ 231) and the repeal of the current Comprehensive Information Security Program law (§ 401). (PA 19-196, §§ 8 & 9, delays these dates by one year to October 1, 2020, and October 1, 2021, respectively.)

New Insurance Data Security Law (§ 230)

Information Security Program Plan Design. The act requires licensees to develop, implement, and maintain an information security program that:

1. is commensurate with the (a) licensee's complexity, size, nature, and business scope, including use of third-party service providers, and (b) sensitivity of the nonpublic data used by, or in possession or control of, the licensee's

information systems and

2. defines and provides for periodic reevaluation of a nonpublic data retention schedule and a mechanism for destroying it once the licensee no longer needs the data.

The plan must be designed to protect the (1) security and confidentiality of the nonpublic information; (2) security of the information system; and (3) security and integrity of the nonpublic information and information system against all threats and hazards, including by minimizing the likelihood of harm to consumers from unauthorized access.

Under the act, “consumers” include insureds, applicants, beneficiaries, and others whose nonpublic information is within a licensee’s possession or control.

Risk Assessment Program Requirements. The act requires each licensee to implement a continuously operated risk assessment program that:

1. designates an affiliate, employee, or outside vendor responsible for the information security program;
2. identifies reasonably foreseeable internal and external threats that might result in unauthorized access or alteration, destruction, disclosure, misuse, or transmission of nonpublic information, including nonpublic information or information security systems accessible to or held by a third-party service provider;
3. assesses the likelihood and potential damage of the reasonably foreseeable threats, taking into consideration the sensitivity of any nonpublic information; and
4. implements information safeguards, including key controls, procedures, and systems, to manage reasonably foreseeable threats and assess them at least annually.

The risk assessment program must also assess the sufficiency of the licensee’s information system and all policies, procedures, and safeguards to manage against reasonably foreseeable threats. This assessment must consider (1) employee training and management; (2) information systems, including network and software design, and information classification, disposal, governance, processing, storage, and transmission; and (3) detection, prevention, and response to cybersecurity events.

Post-Implementation. The act also requires each licensee, on the basis of the risk assessment program, to:

1. include cybersecurity risks in their enterprise risk management process;
2. remain informed of emerging threats and vulnerabilities;
3. utilize reasonable security measures relative to the data’s type and sensitivity when sharing it; and
4. provide employees with up-to-date and ongoing cybersecurity awareness training that accounts for risks the assessment program identifies.

Additionally, based on their risk assessments, licensees must determine whether any of the following security measures are appropriate and, if so, implement them:

1. access control measures for information systems, including ways to identify and restrict access to authorized individuals;
2. measures that identify and manage appropriate data, devices, facilities, personnel, and systems;
3. measures that restrict access to physical locations that contain nonpublic information to only authorized individuals;
4. measures that protect, by encryption or other means, nonpublic information while it is being transmitted over an external network or stored on a laptop or other portable device;
5. secure development practices for software applications;
6. procedures for assessing, evaluating, and testing the security of software applications developed by an external party that the licensee uses;
7. measures to modify the licensee’s information systems in accordance with its information security program;
8. effective control measures, including multifactor authentication for individuals accessing nonpublic information;
9. measures to include audit trails within the information security program to detect and respond to cybersecurity events and reconstruct material financial transactions;
10. measures to regularly test and monitor the information systems and procedures to detect actual and attempted attacks;
11. measures to protect against damage, destruction, or loss of nonpublic information caused by environmental hazards, including fire, water, catastrophes, or technological failures; and
12. measures to securely dispose of nonpublic information regardless of its format.

Board of Directors. Under the act, if a licensee has a board of directors, then the board or an appropriate committee must, at a minimum, require the licensee’s executive management or its delegates to develop, implement, and maintain the information security program and report at least annually on (1) the program’s overall status and the licensee’s compliance with the law and (2) material matters related to the licensee’s information security program, including risk management, assessment, and control decisions, among others.

If a licensee's executive management delegates any of these responsibilities, it must oversee the system's development, implementation, and maintenance and receive a report that meets the above requirements from the delegate.

Third Party Service Provider Arrangements. The act requires licensees to exercise due diligence in selecting third-party service providers and requires them to implement by October 1, 2021, appropriate administrative, technical, and physical measures to protect and secure information systems and nonpublic data they access or hold.

Program Adjustments. Under the act, each licensee must evaluate, monitor, and as appropriate, adjust the information security program consistent with:

1. relevant technological changes;
2. the sensitivity of the nonpublic information;
3. threats to nonpublic information, regardless of where they originate;
4. changes in a licensee's business arrangements, including acquisitions, alliances, joint ventures, mergers, and outsources; and
5. changes to licensee information systems.

Written Incident Response Plan. The act requires that licensees' security programs also include a written incident response plan designed to promptly respond to, and recover from, cybersecurity events that compromise a licensee's information systems; business operations; or the confidentiality, availability, or integrity of nonpublic information it holds. The plan must address:

1. the internal response process for cybersecurity events;
2. goals for the plan;
3. clear roles, responsibilities, and levels of decision-making authority;
4. external and internal communications;
5. information sharing;
6. requirements for remediating any weakness in the licensee's information systems or controls;
7. documenting and reporting cybersecurity events and response activities; and
8. a process to evaluate and, if necessary, revise the plan after each cybersecurity event.

Certification to Commissioner and Record Retention Requirements

Annually by February 15, the act requires domestic insurers to submit to the insurance commissioner a written statement certifying that the insurer has complied with the act's risk assessment and information security program provisions. Each domestic insurer must maintain all supporting documents for examination, including data, records, and schedules, for at least five years after submitting its certification. Domestic insurers that identify areas, processes, or systems that require material improvements, redesigns, or updates must also (1) document and identify the remediation efforts planned and underway and (2) make such documents available to the commissioner on request.

Exemptions

Between October 1, 2020, and September 30, 2021, the act's security program and risk assessment requirements do not apply to licensees with fewer than 20 employees, including independent contractors with access to nonpublic information. On and after October 1, 2021, these requirements do not apply to licensees with fewer than 10 employees, including independent contractors that have access to nonpublic information.

The act also specifies that its provisions apply to licensees and not their agents, designees, employees, or representatives, provided they are covered by the licensee's information security program. Additionally, the act exempts a licensee that maintains an information security program in accordance with another jurisdiction's laws and regulations, provided the insurance commissioner approves of that jurisdiction's program through regulations he adopts.

For licensees maintaining a program in accordance with another jurisdiction's laws, they must annually submit by February 15 a written statement certifying their compliance. Licensees that cease to meet these exemptions must comply with the act's provisions within 180 days of losing the exemption.

Federal Health Insurance Portability and Accountability Act (HIPAA). Under the act, licensees that establish and maintain an information security program under HIPAA are deemed to have satisfied the act's risk assessment and information security program provisions. In this case, the licensee must certify to the commissioner, in a form and manner he prescribes, that it complies with HIPAA.

Cybersecurity Event Investigations (§ 230(d))

The act requires licensees to promptly investigate any suspected cybersecurity event involving their systems. At a minimum and to the extent possible, the licensee must determine whether the event occurred, and if so, it must (1) assess the event's nature and scope; (2) identify all nonpublic information that may have been involved; and (3) perform, or oversee the performance of, reasonable procedures to restore system security to prevent further unauthorized acquisition, release, or use of nonpublic information.

If a licensee becomes aware of a cybersecurity event involving a third-party service provider's system, it must immediately conduct an investigation as described above or confirm and document that the third-party service provider has conducted such an investigation.

Each licensee that is the subject of a cybersecurity event must maintain related records for at least five years after it occurs and produce those records to the commissioner upon his demand.

Three Business Day Reporting Requirement (§ 230(e))

The act establishes notification requirements for licensees and third-party service providers following cybersecurity events. Licensees must notify the commissioner of an event if the licensee:

1. is an insurer domiciled in the state (i.e., a domestic insurer) or an insurance producer whose home state is Connecticut;
2. reasonably believes that the nonpublic information involved in the cybersecurity event affects at least 250 Connecticut residents; and
3. is required to send a cybersecurity notice to any governing, regulatory, or supervisory body under federal or state law or it is reasonably likely the cybersecurity event will materially harm any Connecticut consumer or the licensee's business.

They must provide the notice as soon as possible, but no later than three business days after the cybersecurity event. They must do so in electronic form as the commissioner prescribes.

Notice to Commissioner. The notification must include as much of the following information as possible:

1. the date the cybersecurity event occurred, how it was discovered, and the perpetrator's identity;
2. a description of how nonpublic information was breached, exposed, lost, or stolen, including the specific responsibilities and roles of any third-party service provider involved;
3. whether any nonpublic information was recovered, and if so, how;
4. whether the licensee filed a police report or notified any government, law enforcement, or regulatory agency, and if so, when;
5. a description of the specific type of exposed, lost, stolen, or breached information;
6. the period during which the information system was compromised and the number of Connecticut consumers affected by the cybersecurity event;
7. the results of any internal review the licensee conducted that (a) identifies lapses in automated controls or internal procedures or (b) confirms that all controls and procedures were followed;
8. a copy of the licensee's privacy policy and a description of any efforts undertaken to remediate the conditions that allowed the event to occur;
9. a statement outlining the steps the licensee will take to investigate the event and notify affected consumers; and
10. the name of a contact person familiar with the event and authorized to act on the licensee's behalf.

Under the act, licensees that provide this information have a continuing obligation to update and supplement it.

Notice to Consumers. The act requires any licensee that notifies the commissioner of a cybersecurity event to notify consumers in accordance with existing state security breach laws (e.g., within ninety days, CGS § 36a-701b) and provide the commissioner with a copy of any notice it sends to consumers about the event.

Third-Party Service Providers. Under the act, a licensee must treat a cybersecurity event impacting a third-party service provider's system as if it impacted the licensee itself (e.g., provide notice to the commissioner as described above). In such a case, the deadlines for the licensee begin one day after the third-party service provider notifies the licensee about, or the licensee becomes aware of, a cybersecurity event.

The act specifies it does not prevent a licensee from using a third-party to fulfill the notice and investigation requirements.

Reinsurers. Under the act, any assuming insurer (i.e., an insurer that acquires an insurance obligation from another insurer) without a direct contractual relationship to the affected consumers must notify the affected ceding insurer (i.e., the insurer that transferred the obligations) and the insurance regulator of its domiciled state within 72 hours after

discovering a cybersecurity event. The same requirements apply to a cybersecurity event involving nonpublic information held by an assuming insurer's third-party service provider.

Ceding insurers who receive notice from an assuming insurer of an event and maintain a contractual relationship with impacted consumers must (1) fulfill all notice requirements required by the act (e.g., notify the commissioner) and (2) notify the consumers within 90 days as required under existing law (CGS § 36a-701b).

Notice to Producers. Under the act, if a consumer accessed affected services through an insurance producer, and the licensee has the producer's current contact information, then the licensee must notify the producer of the event. The licensee must provide this notice by the time it notifies the consumer.

Enforcement (§ 230(f))

The act grants the commissioner the power to investigate and examine a licensee to determine compliance, and it specifies that such powers are in addition to those granted under existing law.

If the commissioner has reason to believe a licensee is violating the act's provisions, he must issue and serve the licensee with a statement of the violation and hearing notice. The hearing must be held at least 30 days after the notice is served.

The licensee must have an opportunity to be heard and show cause why a commissioner's order should not be entered enforcing the act's provisions or suspending, revoking, or refusing to reissue or renew any license, registration, or authorization. The commissioner may, after a hearing and in addition to or instead of actions he takes against the licensee's license, registration, or authorization, impose a civil penalty of up to \$50,000 for each violation. Under the act, the commissioner may bring a civil action to recover any penalty imposed.

Confidentiality (§ 230(g))

The act makes certain documents confidential and privileged, including the annual compliance certification and specific documents submitted to or obtained by the commissioner during an investigation. They are exempt from disclosure under the state's Freedom of Information Act (FOIA) and any subpoena or discovery in a private cause of action. The act also prohibits these documents from being introduced as evidence in a private lawsuit. It prohibits the commissioner and anyone acting on his behalf who receives confidential information from being allowed or compelled to testify in a private lawsuit that concerns the confidential material. However, the commissioner may use the documents to further any regulatory or legal actions brought under his authority.

The act allows the commissioner to share such documents, information, and material with the (1) attorney general or another state, federal, or international regulatory or law enforcement agency and (2) NAIC and its affiliates and subsidiaries, provided any such agencies or entities agree in writing to maintain the same level of confidentiality. He may also (1) receive documents and information from these sources, provided he treats them as confidential if the provider indicates as such, and (2) submit documents and information to third-party consultants or vendors, provided they agree in writing to maintain the documents' and information's confidentiality.

The act allows the commissioner to enter into agreements governing the sharing and use of documents, information, and materials in a way that maintains confidentiality. Also, regardless of the act's other provisions, the commissioner may release to any NAIC clearinghouse or database a final adjudicated action that is subject to disclosure under FOIA. The act specifies that no waiver of any applicable privilege or claim of confidentiality in any document, information, or material occurs as a result of the commissioner sharing or receiving the document under the above provisions.

Private Right of Action (§ 230(h))

The act specifies that it must not be construed to create a private right of action or affect or limit an existing private right of action.

§§ 232-235 — PAID FAMILY AND MEDICAL LEAVE CHANGES

Within the Paid Family and Medical Leave Insurance program established by PA 19-25: (1) clarifies certain definitions; (2) reduces the number of voting members on the board that administers the program; (3) allows the governor to appoint the board's chairperson without input from legislative leaders; (4) removes a requirement for the board to issue requests for proposals if it chooses to use contractors for certain services; and (5) delays the creation of a "non-charge" against an employer's unemployment tax experience rate when an employer lays off an employee due to another employee's return from FMLA leave

PA 19-25 (1) creates the Family and Medical Leave Insurance (FMLI) program to provide wage replacement benefits to certain employees taking leave under the state's Family and Medical Leave Act (FMLA) and (2) establishes the Paid Family and Medical Leave Insurance Authority as a quasi-public agency to develop and administer the FMLI program.

Definitions Related to Participating Self-Employed Individuals and Sole Proprietors (§ 232)

PA 19-25 allows self-employed individuals and sole proprietors to opt into the FMLI program (i.e., become "covered employees").

This act specifies that a covered employee's self-employment income is included in the employee's "base weekly earnings" only if he or she voluntarily enrolls in the program. Under PA 19-25 and unchanged by this act, a covered employee's "base weekly earnings" are used to determine his or her FMLI benefits.

This act similarly specifies that an individual's "subject earnings" include his or her self-employment income only if he or she voluntarily enrolls in the FMLI program. Under PA 19-25, an individual's "subject earnings" are used to determine how much an individual must contribute to the FMLI program.

Paid FMLI Authority Board of Directors (§ 233)

PA 19-25 places the Paid Family and Medical Leave Insurance Authority under the direction of a 15-member board of directors.

Members. This act reduces the number of voting board members from 15 to 13 by making the state treasurer and comptroller non-voting members. It also:

1. allows the administrative services commissioner to appoint anyone (rather than only the state's chief information officer) as his designee on the board;
2. reduces, from six to three years, the term of any appointed board member who serves after the initially appointed members complete their four-year terms; and
3. deems a board member to have resigned from the board if he or she fails to attend (a) three consecutive meetings or (b) 50% of all meetings held during any calendar year.

Chairperson. This act requires the governor alone to select the board's chairperson, rather than the governor, House speaker, and Senate president pro tempore to collectively do so (as required under PA 19-25).

Quorum and Votes. Under this act, a majority of the board's voting members, rather than all of its members, constitutes a quorum. It also specifies that, except for the adoption of certain board procedures, an affirmative vote by a majority of voting members present at a board meeting is sufficient for the board to take action.

Conflicts of Interest. PA 19-25 prohibits board members and the authority's officers, agents, and employees from directly or indirectly having any financial interest in any legal or commercial entity contracting with the authority, including a corporation, business trust, estate, trust, partnership or association, or two or more people having a joint or common interest. This act specifies that a "financial interest" does not include an interest of a de minimis nature or one that is not distinct from that of a substantial segment of the general public.

Authority Contracts (§ 234)

Under PA 19-25, the authority's board of directors must:

1. issue requests for proposals (RFPs) if it wants to use an outside contractor's services for initial claims processing, website development, database development, marketing and advertising, or implementing any other program elements, and
2. develop certain criteria for evaluating proposals related to these RFPs, and all other contracts that exceed \$500,000, subject to the notice and adoption requirements specified in the law governing quasi-public agencies' adoption of procedures.

This act removes the requirement for the board to issue RFPs for these services. Instead, it allows the authority (not the board), under its general powers, to determine if it wants to use an outside contractor for initial claims processing, website development, database development, or marketing and advertising. If so, the standard criteria for evaluating proposals related to these services, and all other contracts that exceed \$250,000, must at least include transparency, cost, efficiency of operations, work quality related to the contracts, user experience, accountability, and a cost-benefit analysis documenting the direct and indirect costs that will result from implementing the contracts. (PA 19-25 also required the authority's evaluation criteria to include these factors.)

This act further requires that any additional standard criteria be approved by a two-thirds vote of the board, after it has been posted for notice and comment on the authority's website for at least one week before the vote.

Unemployment Non-Charge (§ 235)

PA 19-25 creates a "non-charge" against an employer's experience rate when an employer lays off an employee due to the return of someone who had been out on bona fide FMLA leave. This act makes the provision effective January 1, 2022, rather than July 1, 2019.

EFFECTIVE DATE: Upon passage

§§ 236 & 237 — HEALTH INSURANCE COST-SHARING

Limits the maximum out-of-pocket expenses that certain health insurers can charge and makes it an unfair insurance practice for insurers to charge more than this amount

To the maximum extent allowed by federal law, the act prohibits certain health insurance plans from imposing a coinsurance, copayment, deductible, or other out-of-pocket expense greater than:

1. the amount paid to the provider or vendor for the covered benefit, including all discounts, rebates, and adjustments by the insurer, intermediary, or health carrier;
2. an amount calculated based on how much the health service provider or vendor charges after any discount and any amount due to or charged by an entity affiliated with the insurer; or
3. the amount an insured would have paid to the provider or vendor without using his or her insurance (which the insurance commissioner may define in regulations that the act permits him to adopt to implement these provisions).

The provisions apply 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 those provided under an HMO plan. Because of ERISA, these limits do not apply to self-insured benefit plans. A violation of these provisions constitutes an unfair insurance practice (i.e., subjects the violator to, among other things, possible fines, adverse license action, and restitution).

EFFECTIVE DATE: January 1, 2020

§ 238 — HEALTH CARRIER CONTRACTS

Prohibits health carrier contracts from penalizing the disclosure of health care costs or available alternative treatments

The act prohibits a health carrier contract with another party from containing a provision that prohibits or penalizes the disclosure of certain information on covered benefits to an insured, including through penalties of increased utilization review, reduced payments, or other financial disincentives. This includes information about (1) a covered benefit's cost and cash price and (2) the availability, cost, and cash price of any health care service or product that is therapeutically equivalent to a covered benefit. The provision applies to contracts entered into or amended after January 1, 2020.

EFFECTIVE DATE: January 1, 2020

§ 239 — MANAGED CARE PLANS

For MCOs, requires that deductibles be calculated in the same way that existing law requires of coinsurances and extends this requirement to amounts charged by MCO subcontractors

Under existing law, managed care organizations (MCOs) must calculate coinsurances based on the lesser of the amount (1) the provider charges for the specific good or service or (2) payable by the MCO for the goods or services. The

act requires MCOs to calculate deductibles in the same manner, and it includes in the latter category any amounts payable by an MCO's subcontractor.

EFFECTIVE DATE: January 1, 2020

§ 240 — SURPRISE BILLS FOR LABORATORY SERVICES

Broadens the definition of a surprise health insurance bill by including non-emergency services rendered by an out-of-network clinical laboratory if an insured is referred to it by an in-network provider

The act broadens the definition of a “surprise bill” for health insurance purposes by including a bill for non-emergency services rendered by an out-of-network clinical laboratory if the insured was referred by an in-network provider. In doing so, it requires health carriers (e.g., insurers and HMOs) to (1) cover any such services resulting in a surprise bill at the in-network level of benefits and (2) include the revised definition of surprise bill in policy documents and on their websites.

By law, an insured person's bill is already a “surprise bill” if (1) it is for non-emergency health care services rendered by an out-of-network provider at an in-network facility during a service or procedure performed by an in-network provider or previously authorized by the health carrier and (2) the insured person did not knowingly elect to receive the services from the out-of-network provider.

By law, it is a violation of the Connecticut Unfair Trade Practices Act (CUTPA) for a health care provider to request payment, except for a copayment, deductible, coinsurance, or other out-of-pocket expense, from an insured person for a surprise bill (CGS § 20-7f).

EFFECTIVE DATE: January 1, 2020

§§ 241-243 — ADVERSE DETERMINATION REVIEW TIMEFRAMES

Reduces the maximum time for certain health benefit and adverse determination reviews from 72 to 48 hours, but creates an exception for weekends

Existing law establishes a structure and timeframe for health carriers and independent review organizations (IROs) to conduct benefit reviews and notify the covered individual whether a specific medical service is reimbursable by his or her health insurance plan. The act shortens, from 72 to 48 hours, the maximum time a health insurer or IRO can take, to notify an insured or his or her authorized representative of decisions for specified urgent care reviews, generally after receiving all the required health information. These reviews are (1) initial utilization reviews and benefit determinations, (2) expedited internal adverse determination reviews, and (3) expedited external or final adverse determination reviews. However, the act retains the 72-hour requirement if any portion of the 48 hours falls on a weekend.

Existing law, unchanged by the act, requires that (1) urgent initial utilization reviews be conducted as soon as possible; (2) expedited internal adverse determination reviews be conducted within a reasonable period appropriate to the covered person's condition; and (3) expedited external reviews be conducted as quickly as the covered person's condition requires.

The act does not apply to urgent care reviews involving substance use disorders and certain mental disorders, which by law must be completed within 24 hours.

EFFECTIVE DATE: January 1, 2020

§ 244 — DISABILITY INCOME PROTECTION POLICY DISCRETIONARY POLICIES

Prohibits provisions in disability income protection policies that allow insurers discretion to interpret the policy in a way that is inconsistent with state law

The act prohibits health carriers from including in a disability income protection policy a provision that gives the carrier discretion to interpret the policy's terms or establishes standards for interpreting or reviewing the policy that are inconsistent with state law. This prohibition applies to each insurer, health care center, hospital or medical service corporation, fraternal benefit society, or other entity that delivers, issues, renews, amends, or continues in Connecticut an individual or group disability income protection policy on or after January 1, 2020.

EFFECTIVE DATE: January 1, 2020

§ 245 — HOSPITAL REPORTING ON TRAUMA ACTIVATION FEES

Requires certain hospitals to report to the Health Systems Planning Unit on trauma activation fee charges

The act requires short term acute care general and children's hospitals to include information and data the Office of Health Strategy (OHS) prescribes on trauma activation fee charges in an annual report to the Health Systems Planning Unit. (By law, the unit is within OHS.)

Trauma activation fees are fees hospitals may charge when they assemble physicians and other staff to respond to serious injuries.

EFFECTIVE DATE: October 1, 2019

§ 246 — MEDICAL NECESSITY

Requires certain health insurance policies to cover medically necessary services to treat emergency conditions

The act requires certain health insurance policies to provide coverage for medically necessary health care services for emergency medical conditions.

By law, an "emergency medical condition" is a condition that a prudent layperson, acting reasonably, would believe requires emergency medical treatment. Also, "medically necessary health care services" are those that a physician, exercising prudent clinical judgment, would provide to prevent, evaluate, diagnose, or treat a condition and that are (1) in accordance with generally accepted standards of medical practice; (2) clinically appropriate; and (3) not primarily for the patient's, physician's, or other health care provider's convenience and not more costly than an alternative, therapeutically equivalent service.

The emergency condition coverage requirement applies to 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 those provided under an HMO plan.

EFFECTIVE DATE: January 1, 2020

§ 247 — HDHP TASK FORCE

Establishes a task force to study HDHPs

The act establishes a task force to study the structure and impact of HDHPs on enrollees in Connecticut and report its findings to the Insurance and Real Estate Committee by February 1, 2020. Under the act, an HDHP is a high deductible health plan, as defined by federal law, which is not used to establish a medical or health savings account.

The task force must make recommendations about:

1. measures to ensure access to affordable health care services under HDHPs and prompt payment of refunds for enrollees who overpay;
2. the financial impact of HDHPs on enrollees and their families;
3. the use of HSAs and the impact of alternative payment structures on HSAs, including the status of the accounts under the federal tax code;
4. measures to ensure that each cost-sharing payment due and paid under an HDHP accurately reflects the enrollee's cost-sharing obligation for his or her specific plan;
5. measures to enhance enrollee knowledge of how payments are applied to deductibles; and
6. payment models where a physician can receive reimbursement from a health carrier for services provided to enrollees.

The task force consists of the healthcare advocate or his or her designee and the following appointed members:

1. two appointed by the House speaker: one who represents the Connecticut College of Emergency Physicians and the other who represents a small in-state employer that sponsors an HDHP;
2. two appointed by the Senate president pro tempore: one who is a state-licensed insurance producer with knowledge of HDHPs and one who is an HDHP enrollee in the state;
3. one appointed by the House majority leader: a primary care physician participating in an HDHP;
4. one appointed by the Senate majority leader: an emergency room physician;
5. one appointed by the House minority leader: a representative from the Connecticut Association of Health Plans;
6. one appointed by the Senate minority leader: a representative from the Connecticut State Medical Society; and
7. three appointed by the governor: one who represents the Connecticut Hospital Association, one who represents a

health plan issuing HDHPs, and one who is a tax attorney with knowledge of HSAs.

Task force appointments must be made by July 26, 2019, and vacancies are filled by the appointing authority. The members must elect two chairpersons. The healthcare advocate must schedule the first meeting, to be held by August 25, 2019.

The act requires the Insurance and Real Estate Committee administrative staff to serve as such for the task force. The task force terminates when it submits its report or December 1, 2020, whichever is later.

EFFECTIVE DATE: Upon passage

§ 248 — AFTER SCHOOL PROGRAM GRANTS

Allows SDE to award grants to a combination of eligible entities; requires SDE to earmark at least 10% of after school program grant funds for (1) towns with a small population or (2) boards of education in towns with a small population; allows grant recipients to spend grant funds on after school program transportation

State law allows SDE to administer a program to provide grants for after school programs that provide educational, enrichment, and recreational activities for children in grades kindergarten through 12 when school is not in session. Grants may be awarded to local or regional boards of education, municipalities, and nonprofit organizations. The act allows SDE to award grants to a combination of these entities (e.g., a board of education and a nonprofit organization).

Beginning in FY 20, the act also requires SDE to award at least 10% of the funds appropriated for the after school grant program to (1) municipalities with a total population of 7,500 or fewer or (2) local or regional boards of education for towns with a total population of 7,500 or fewer. Any of these earmarked funds that are not awarded by October 15 of the fiscal year must be made available for awards to any municipality or board of education, regardless of population criteria.

Additionally, the act allows grant recipients to spend program funds on after school program transportation beginning in FY 20.

EFFECTIVE DATE: July 1, 2019

§ 249 — SCHOOL DISTRICT UNIFORM CHART OF ACCOUNTS

Adds “federal impact aid” to the items required in school- and district-level chart of accounts

Existing law requires SDE to develop and implement a uniform accounting system for school revenues and expenditures that includes a school- and district-level chart of accounts. The chart of accounts must include, among other things, the following received by a local or regional board of education, regional education service center, charter school, or charter management organization: all revenue amounts and sources and cash and real or personal property donations totaling \$500 or more in the aggregate.

The act adds “federal impact aid” received by the above entities to the list of required items in the chart of accounts, but it does not define this aid.

EFFECTIVE DATE: July 1, 2019

§ 250 — MINIMUM BUDGET REQUIREMENT CALCULATION WORKSHEET

Requires SDE to compile a minimum budget requirement calculation worksheet for each school district, provide the worksheet to each school district, and post it online

Beginning FY 20, and each fiscal year thereafter, the act requires SDE to (1) compile a minimum budget requirement calculation worksheet for each school district, (2) provide the worksheet to the appropriate local and regional board of education, and (3) make each worksheet available on its website.

EFFECTIVE DATE: July 1, 2019

§§ 251-256 — YOUTH SERVICE BUREAUS

Transfers responsibilities related to youth service bureaus from SDE to DCF

The act transfers, from the State Department of Education (SDE) to the Department of Children and Families (DCF), responsibility for administering the youth service bureau (YSB) grant and enhancement grant programs. YSBs provide resources and community-based services and programs for children, youth, and their families.

In doing so, it requires DCF to, among other things:

1. adopt regulations that establish minimum standards for YSBs and criteria to qualify for state cost-sharing grants;
2. provide YSBs with (a) cost-sharing and other grants to cover certain related costs and (b) grant management services, program monitoring and evaluation, and technical assistance; and
3. biennially report to the legislature on the referral or diversion of children younger than age 18 from the juvenile justice to adult criminal court system.

The act also allows YSBs that applied for a grant during FY 19 to be eligible for such a grant through the program. Under prior law, YSBs had to (1) apply by the end of FY 18 and (2) receive approval for the town's contribution to the grant before applying. (The law requires towns to contribute an amount that matches the state grant.)

Under existing law, the amount of grants payable to YSBs under the enhancement grant program must annually be reduced proportionately if the total grant amounts exceed the amount appropriated for them for that year. Starting in FY 20, the act additionally requires that the grant amounts be increased proportionately if the total for the fiscal year is less than the amount appropriated for the grants that year.

EFFECTIVE DATE: July 1, 2019

§ 257 — CARE 4 KIDS REPORTING

Requires quarterly reporting by OEC to the legislature about the Care 4 Kids child care subsidy program

The act requires the Office of Early Childhood (OEC) commissioner to report quarterly to the Appropriations and Education committees beginning October 1, 2019, about the Care 4 Kids child care subsidy program that the office administers, specifically regarding (1) expenditures of state and federal funds for the program and (2) program enrollment by priority group. (OEC establishes ranked priority groups of eligible families to determine preference when awarding Care 4 Kids subsidies.)

EFFECTIVE DATE: July 1, 2019

§ 258 — GRANTS FOR STATE-LICENSED CHILD CARE CENTERS FOR DISADVANTAGED CHILDREN

Limits how certain state grants to state-licensed child care centers for disadvantaged children may be used; creates a floor, rather than a ceiling, for the amount of per child cost grants from the state to such centers

The act limits how certain state financial assistance for state-licensed child care centers for disadvantaged children may be used. Existing law allows the state, through the OEC commissioner, to enter into contracts with municipalities, human resource development agencies, or nonprofit corporations for state financial assistance in developing and operating such centers.

Prior law required that the contracts provide for a state grant for:

1. a portion of the program's cost, as determined by the OEC commissioner, if the program is not federally assisted;
2. half the amount by which the program's net cost, as approved by the commissioner, exceeds its federal grant; or
3. up to the per child cost established in state law for each child (a) ages 3-4 years and (b) age 5 years who is ineligible to enroll in school.

The act requires that the third state grant option, the per child cost grant, be in an amount that is at least equal to, rather than no more than, the per child cost in state law. (Prior law capped the per child cost at \$8,927 through FY 19. The act (§ 260, see below) extends that cap through FY 20 and increases it to \$9,027 beginning FY 21.)

Additionally, beginning in FY 20, the act requires that any state financial assistance for these centers received under the third state grant option that exceeds the funding the center received in FY 19 be used exclusively to increase the salaries of educators employed by these centers.

EFFECTIVE DATE: July 1, 2019

§ 259 — SCHOOL READINESS PROGRAM GRANTS

Requires state-licensed school readiness programs receiving per child grants exceeding \$8,927 to use the excess amount exclusively to increase staff salary

Under the act, beginning in FY 20, state-licensed school readiness programs that operate full-day, year-round programs and receive school readiness per-pupil state grants must use any grant amount exceeding \$8,927 per child exclusively to increase the salary of individuals directly responsible for teaching or caring for children in school readiness program classrooms.

By law, a school readiness program is a nonreligious, state-funded program that provides a developmentally appropriate learning experience for children ages 3-5 years who are too young to enroll in kindergarten (CGS § 10-16p).
EFFECTIVE DATE: July 1, 2019

§ 260 — SCHOOL READINESS PROGRAM PER CHILD COST RATE

Extends the FY 19 cap on the per child cost rate through FY 20 and increases it beginning in FY 21; eliminates the OEC commissioner's authority to establish new rates or revise existing rates during a fiscal year

The act extends the FY 19 cap on the per child cost (i.e., \$8,927) of the OEC school readiness program through FY 20. For FY 21 and subsequent fiscal years, the act increases the cap to \$9,027.

In extending the cap, the act removes provisions that, in lieu of a cap, would have allowed the OEC commissioner to establish new rates for the school readiness program so long as there were available appropriations and the new rates were established to improve program quality and access. Under prior law, this authority was set to take effect beginning FY 20.

The act also removes the commissioner's authority to revise the rates for the school readiness program during a fiscal year if she determines that revised rates are necessary to improve the quality of, increase access to, or fill spaces in these programs.

EFFECTIVE DATE: July 1, 2019

§ 261 — MAGNET SCHOOL TRANSPORTATION GRANT

Extends the education commissioner's authority to award magnet school transportation grants

The act extends the education commissioner's authority to award (1) *Sheff* magnet school transportation grants through FY 20 and each following fiscal year and (2) supplemental *Sheff* magnet school transportation grants through FY 19 and each following year. Prior law authorized the *Sheff* grants through FY 19 and the supplemental grants through FY 18. Regarding the supplemental grants, the act keeps the same payment schedule as in prior law: (1) up to 70% of the grant may be paid on or before June 30 and (2) the remainder must be paid by September 1 of the following fiscal year upon completion of a comprehensive financial review. As under prior law, the amount of the grants cannot exceed \$2,000 for each child transported.

EFFECTIVE DATE: July 1, 2019

§§ 262 & 263 — MINORITY TEACHER GRANTS

Expands the minority educator teacher incentive program to (1) include a loan reimbursement grant program to provide applicants with annual grants up to 10% of their student loans not to exceed \$5,000 a year and (2) provide grants to minority students enrolled in the alternate route to certification program administered through SDE

Minority Educator Loan Reimbursement Grant Program

Beginning in FY 20, the act expands the Connecticut minority teacher incentive program to include a minority educator loan reimbursement grant program that provides applicants with annual grants up to 10% of their student loans not to exceed \$5,000 a year. The act requires OHE, in collaboration with the Minority Teacher Recruitment Policy Oversight Council and the minority teacher recruitment task force, to administer this grant program within available appropriations.

Under the act, the program must provide student loan reimbursement grants to anyone who (1) is a minority as defined under state law, (2) holds certain professional certification (e.g., teacher or superintendent), and (3) is employed

as an administrator or teacher by a local or regional board of education. By law, a minority is an individual 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 use by the U.S. Department of Commerce's Bureau of Census (CGS § 10-155l).

The act allows anyone who satisfies the eligibility requirements to receive grants for reimbursement of federal or state educational loans for up to 10 years. Individuals may apply to OHE for grants in the time and manner the executive director prescribes and must only be reimbursed for loan payments made while they are employed by a local or regional board of education.

Under the act, any unexpended funds appropriated for loan grant repayment purposes do not lapse at the end of the fiscal year and are available for expenditure in the next fiscal year.

The act allows OHE to accept gifts, grants, and donations from any source, public or private, for both the reimbursement grant and minority teacher incentive program.

Connecticut Minority Teacher Incentive Program Expansion

The act expands the existing Connecticut minority teacher incentive program to provide grants, within available appropriations, to minority students enrolled in SDE-administered alternate route to certification programs (i.e., a program through which individuals from an alternate profession can attain their initial educator certificate). Prior law only provided these grants to OHE-administered programs.

EFFECTIVE DATE: July 1, 2019

§§ 264-269 — EDUCATION GRANT CAPS

Caps six education grants to boards of education for FYs 20 and 21

The act caps six education grants to local or regional boards of education for FYs 20 and 21. The caps, which were set to expire on June 30, 2019, require that grants be proportionately reduced if the state budget appropriations do not fund the full amounts required by the respective statutory formulas. The caps apply to the following programs:

1. adult education programs (CGS § 10-71);
2. bilingual education (CGS § 10-17g);
3. school districts' special education costs for public agency-placed students under an order of temporary custody (CGS § 10-76d);
4. school districts' excess special education costs (CGS § 10-76g);
5. excess regular education costs for state-placed children educated by private residential facilities (CGS § 10-253); and
6. health grants for private nonprofit schools (CGS § 10-217a).

For the bilingual education grant, the act renews the authorization for the grant for FYs 20 and 21 as well as extends the cap for two years.

EFFECTIVE DATE: July 1, 2019

§ 270 — MAGNET SCHOOL GRANT INCREASES

Raises maximum per-student grant amounts for magnet schools; reauthorizes SDE's authority to prioritize magnet school grants based on certain enrollment conditions; extends magnet school grant eligibility criteria for two more years, FYs 20 and 21

The act raises the maximum amount for all per-student interdistrict magnet school operating grants by 2% beginning in FY 20.

By law, the amount of state operating grants for each type of magnet school depends on whether (1) the school is run by a local school district ("host magnet") or a regional educational service center (RESC) or other entity and (2) it helps the state achieve the racial integration goals of the *Sheff* court stipulation ("*Sheff* magnet") or not ("*non-Sheff* magnet").

Sheff is the 1996 school desegregation case in which the state Supreme Court ruled that Hartford school children were not being given an equal educational opportunity because of racial and economic segregation. Settlement agreements subsequent to the *Sheff* decision rely on voluntary desegregation methods including interdistrict magnet schools. The *Sheff* region includes Hartford and 21 surrounding towns.

The act also raises the maximum per student grant amounts for Thomas Edison Magnet Middle School in Meriden by 2% beginning in FY 20.

By law and unchanged by the act, the amounts of the grants provided must be proportionately adjusted, if necessary, within available appropriations.

The act also reauthorizes SDE's authority to prioritize magnet school grants for FYs 20 and 21 based on individual school enrollment, including increases in enrollment due to planned and approved new grades. The prioritization means grant payments may be less for magnet schools that do not have a high priority.

Also, it reinstates magnet school grant eligibility criteria for two more years, FYs 20 and 21, using eligibility criteria that expired on June 30, 2018.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2019

Grant Increases

The table below shows the various types of magnet schools and their grant amounts under prior law and the act for non-resident students (those attending the magnet school from outside the host district). Generally, unless otherwise noted, magnet schools receive \$3,000 for each enrolled student who resides in the host district. The act raises this per student grant to \$3,060 beginning in FY 20. (Magnet school funding is in addition to Education Cost Sharing and other forms of state education funding.)

Magnet School Non-Resident Per-Student Grant Changes

<i>Type of magnet school</i>	<i>Prior law maximum amounts</i>	<i>Act maximum amounts</i>
Non-Sheff host magnet	\$7,085	\$7,227
Sheff host magnet	13,054	13,315
Non-Sheff RESC magnet with less than 55% enrollment from one town	7,900	8,058
Non-Sheff RESC magnet with 55% or more of enrollment from one town*	7,085	7,227
RESC magnet enrolling less than 60% of its students from Hartford (i.e., Sheff magnet)	10,443	10,652
RESC magnet enrolling less than 50% of its students from Hartford (i.e., Sheff magnet)	7,900 (for half of the non-Hartford students enrolled over 50% of total enrollment) 10,443 (for all the other students)	8,058 (for half of the non-Hartford students enrolled over 50% of total enrollment) 10,652 (for all the other students)
Greater Hartford Academy of the Arts (a RESC magnet specifically mentioned in statute; receives grants that are 65% of the amount for a RESC magnet with less than 55% of enrollment from one town)	5,135	5,238

*Excludes Thomas Edison Magnet Middle School; see below.

Thomas Edison Magnet School Per-Student Operating Grant

Under prior law, the per-student grant for most students at the Thomas Edison Magnet Middle School in Meriden is \$8,180. The grant amount is lower for some of the students depending on (1) where the student resides and (2) whether the student is counted as part of the October 1, 2013, enrollment count or above it.

Under prior law, for any additional students enrolled above the October 1, 2013, number, the grant is \$3,000 for students who reside in Meriden and \$7,085 for students from outside of Meriden. (The law affects a school that began operations in the 2001-02 school year and that, for the 2008-09 school year, enrolled between 55% and 80% of its students from a single town, a description that applies only to the Thomas Edison Magnet Middle School.)

Beginning in FY 20, the act increases each of these grant amounts as shown in the table below.

Thomas Edison Magnet Middle School Per-Student Grant Changes

	<i>District Resident Students</i>		<i>District Non-Resident Students</i>	
	<i>Prior law maximum amounts</i>	<i>Act maximum amounts</i>	<i>Prior law maximum amounts</i>	<i>Act maximum amounts</i>
Students at or below the October 1, 2013, enrollment count	\$8,180	\$8,344	\$8,180	\$8,344
Students above the October 1, 2013, enrollment count	3,000	3,060	7,085	7,227

Magnet School Grant Prioritization

For FY 19 and within available appropriations, the law authorized SDE to limit grant payments based on a magnet school's lowest enrollment as of October 1 for each of the years 2013, 2015, 2016, or 2017. Whichever year was lowest was used as the base year. For FY 19, the law required SDE to prioritize funding approval for magnet school seats above the base enrollment due to planned and approved new grade levels.

For FY 20, the act similarly authorizes SDE to limit grant payments based on a magnet school's lowest enrollment as of the years mentioned above, plus October 1, 2018. For FY 21, it authorizes SDE to limit grant payments based on a magnet school's lowest enrollment as of the years mentioned above, as well as October 1, 2018, and October 1, 2019. For both years, the act extends the requirement that SDE prioritize funding, subject to the commissioner's approval, for magnet school seats above the base, including increases in enrollment due to planned and approved new grade levels.

Magnet School Operating Grant Eligibility

The act reinstates, for FYs 20 and 21, magnet school grant eligibility enrollment criteria.

Sheff magnet schools. In determining whether grants will be awarded, the commissioner must consider, among other criteria, whether the *Sheff* magnet school is meeting the reduced-isolation setting student enrollment standards for magnet schools. This requirement expired on June 30, 2018, but the act reinstates it for FYs 20 and 21.

If a school has not met the minimum standards for racial and geographic integration, it will not be entitled to receive a per-student operating grant unless the commissioner finds it appropriate to award a grant for an additional period and to approve a plan to bring the school into compliance.

Under the *Sheff* agreement, magnet schools are intended to reduce the racial and economic isolation of black and Hispanic students in Hartford. Therefore, at least 25% a magnet school's enrollment must be students who are not black or Hispanic (i.e., "reduced-isolation students," who are white, Asian, Native American, Native Hawaiian, or Pacific Islander). For non-*Sheff* magnets, the standards require a minimum of 20% reduced-isolation students (CGS § 10-264r).

Non-Sheff magnet schools. The act extends similar criteria for reduced-isolation setting student enrollment standards for magnet schools that do not serve the *Sheff* region. For FYs 20 and 21, the act extends the requirement that the commissioner only award a grant to a magnet school that has (1) no more than 75% of the school enrollment from one school district and (2) a school enrollment that meets the reduced-isolation setting standards developed by the commissioner. As with the *Sheff* magnets schools, the commissioner may award a grant if she finds it appropriate to do so and approves a plan to bring the school into compliance.

The act also extends, through FYs 20 and 21, the commissioner's authority to impose a financial penalty on a magnet school that fails to meet the reduced-isolation setting standards for two or more consecutive years. The commissioner may also take another measure, in consultation with the magnet school operator, to assist the operator in complying with the standards.

§ 271 — MINIMUM BUDGET REQUIREMENT (MBR)

Renews and modifies the MBR for FYs 20 and 21 with certain permitted reductions and exemptions

The act extends, to FYs 20 and 21, the prohibition in prior law against a town budgeting less for education than it did in the previous fiscal year (i.e., the minimum budget requirement (MBR)). Under prior law, the MBR provisions expired at the end of FY 19 (June 30, 2019).

The act (1) continues to exempt certain high-performing school districts from the MBR, (2) expands a town's authority to reduce its MBR under specified conditions, and (3) continues to prohibit an alliance district from reducing its MBR under any circumstances.

It modifies the allowed MBR reduction for reduced student enrollment by allowing a district to look back over five years and choose any or all five years, with certain limitations, when calculating a drop in student enrollment. Under prior law, a district can only count the enrollment decrease from one year to the next.

The act creates a new MBR cost exemption for any self-insured school district that increases its education budget due to a catastrophic loss during the prior year. It also renews and extends several MBR reduction options in prior law, allowing a town to reduce its MBR in certain circumstances.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2019

MBR Exemptions

The act continues MBR exemptions through FY 21 for the following: (1) any school district among the top 10% of districts as measured by the SDE's accountability index and (2) member towns of a newly formed regional school district during the first full FY following its establishment.

The accountability index is the overall performance score that SDE calculates for each public school and public school district using multiple weighted student, school, or district-level measures.

New or Modified MBR Reductions

Under the act, the reductions described below are available for FYs 20 and 21.

Reduced student enrollment. The act modifies the permissible MBR reduction for reduced student enrollment by allowing a district to look back over five years to choose any or all five years when calculating a decrease in student enrollment. But a district is prohibited from choosing a year that has previously been used to determine a drop in enrollment for MBR purposes.

Under this method, the act permits a district to reduce its MBR by 50% of the net current expenditure per resident student, multiplied by the net reduction in the number of enrolled students. By law, resident students are the number of students a school district must educate at the town's expense.

The act does not set a cap on how much the MBR can be reduced under this allowance. Under prior law, the student enrollment reduction was limited depending upon the number of free and reduced priced lunch (FRPL)-eligible students in the district. Districts with (1) 20% or more of their students qualifying for FRPL were authorized to reduce their MBR by up to 1.5% of their education budget and (2) less than 20% of students eligible for FRPL were authorized to reduce their MBR by up to 3%. However, the law allowed for exceptions with local board of education and education commissioner approval.

Catastrophic insurance loss. The act creates a new MBR cost exemption for any self-insured school district that experiences a loss due to one or more catastrophic events during the prior year and increases the following year's education budget as a result. The increase due to the loss is not required to be counted for the following year's MBR.

To qualify, the (1) school district must have opted to self-insure for the liabilities it incurs under state law, primarily for the district's required duties and employee and board member indemnity, and (2) catastrophic event must be declared as such by a nationally recognized catastrophe loss index provider.

Permitted MBR Reductions Renewed

The act maintains four other types of MBR reductions for FYs 20 and 21 that were allowed under prior law:

1. A town that has a reduction in ECS aid when compared to the previous year can reduce its MBR by an amount that equals the amount of the reduction.
2. A town without a high school that pays tuition to other towns for its resident students to attend there and is paying for fewer students than it did in the previous year can reduce its MBR by the full amount of its lowered tuition payments.
3. A town that has permanently closed a school due to declining enrollment at the school in FYs 13 to 20, inclusive, may be granted an MBR reduction for FYs 20 and 21 in an amount determined by the education commissioner.
4. A town can reduce its MBR to reflect half of any new and documented savings from (a) increased efficiencies within its school district, as long as the education commissioner approves the savings, or (b) a regional collaboration or cooperative arrangement with at least one other district. This reduction is limited to a maximum

of 0.5% of the budgeted appropriation for the prior year.

Under the act, efficiency savings include, but are not limited to:

1. reductions in costs associated with transportation services, school district administration, or contracts that are not the result of collective bargaining or other labor agreements;
2. an agreement to provide medical or health care benefits pursuant to state law;
3. a cooperative agreement relating to the performance of administrative and central office functions, such as business manager functions, for the municipality and the school district as permitted in state law;
4. reductions in costs due to purchasing or joint purchasing of property insurance, casualty insurance, and workers' compensation insurance, following the consultation with the town's legislative body as permitted by law;
5. reductions in costs associated with the purchasing of payroll processing or accounts payable software systems, following the consultation with the town's legislative body to determine whether such systems may be purchased or shared on a regional basis as permitted by law;
6. consolidation of information technology services; and
7. reductions in costs associated with athletic field care and maintenance.

§ 272 — ECS GRANT INCREASES AND DECREASES DETERMINATION

Adjusts calculation methodology for FYs 20 and 21 for ECS grant increases and decreases used to determine MBR

The act updates prior law's calculations for whether a town's ECS grant for FYs 20 and 21 is an increase or decrease in aid as it relates to the MBR calculation. By law, when the ECS grant increases from one year to the next, a district's MBR increases by the same amount.

The act replaces the FYs 18 and 19 ECS grant increase and decrease calculations, which use a base grant amount, which was fixed on one fiscal year, with a similar calculation for FYs 20 and 21, based on the prior FY's grant amount. Under the act, the ECS grant increase or decrease for each town is the difference between the new FY's ECS grant amount and the prior FY's grant amount. For example, if a town's ECS grant amount for FY 20 is greater than the amount the town was entitled to for FY 19, then the town has an increase equal to the difference of the two amounts. Similarly, if the ECS grant amount is lower than the previous year, the town has an ECS decrease by the difference of the two amounts.

EFFECTIVE DATE: July 1, 2019

§§ 273-284 — TECHNICAL EDUCATION AND CAREER SYSTEM (TECS) DELAY AS AN INDEPENDENT AGENCY

Delays by two years the transition of TECS, formerly known as the technical high school system, into an independent agency

The act delays, by two years, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from SDE. Under the act, the new transition will be complete for the 2022-23 school year.

Under prior law, the new position of TECS executive director, the agency head who is appointed by the governor, is created beginning July 1, 2020. The act delays this until July 1, 2022. It also delays by two years, until July 1, 2022, the (1) elimination of SBE as the system's oversight body and (2) creation of the new TECS board to oversee the new agency. It also makes corresponding delays, from July 1, 2020, to July 1, 2022, for the new board's and executive director's budget-making responsibilities and conforming changes related to the elimination of SBE's oversight and the creation of the new TECS board.

The act extends for two additional years, from June 30, 2021, to June 30, 2023, the current TECS board's existing authority to recommend a superintendent candidate to the education commissioner, who may hire or reject the candidate. Similarly, under the act, the term of office for a superintendent who is hired this way expires June 30, 2023, rather than June 30, 2021.

Further, the act delays, from July 1, 2021, to July 1, 2023, the implementation of the new TECS board's duty to recommend a candidate for TECS superintendent to the TECS executive director, who may hire or reject the candidate. The superintendent is in charge of the system's educational program.

The act also adds two additional fiscal years to the period when SBE is required to hire a consultant to assist the TECS board with the system transition plan. Under prior law, the consultant requirement applies through FY 20. The act extends it to FYs 21 and 22. The act also delays by two years, to January 1, 2022, the requirement that SBE report to the

Education Committee on the transition plan, any services that could be provided more efficiently with a local or regional board of education or other agency, and any legislative recommendations necessary to implement the transition.

It also requires SDE to provide two additional years of training to TECS staff, who will perform central office and administrative functions in the new system. The training must continue until the end of FY 22, rather than end with FY 20.

The act also makes conforming changes related to adding TECS to the statutory list of executive branch agencies and the executive director to the list of department heads. It also makes other minor and conforming changes.

EFFECTIVE DATE: Upon passage, except provisions regarding TECS becoming an independent agency are effective July 1, 2022.

§ 285 — UNEXPENDED EDUCATION FUNDS ACCOUNT

Increases, from 1% to 2%, the maximum amount of unspent education funds that a town may deposit from its budgeted education appropriation from the prior fiscal year

Beginning in FY 20, the act increases the maximum amount of unspent education funds that a town may deposit in a nonlapsing account from 1% to 2% of the town's budgeted appropriation for education for the prior fiscal year. Existing law permits this deposit by a town board of finance, board of selectmen in a town with no board of finance, or other appropriating authority for a school district. The act additionally requires that expenditures of the deposited funds be made with the board of education's authorization and only for educational purposes.

EFFECTIVE DATE: July 1, 2019

§§ 286-288 — MINIMUM BUDGET REQUIREMENT (MBR) WAIVERS AND PENALTY REDUCTION

Decreases the penalty for towns with FY 19 MBR violations by half; allows such towns to avoid an additional ECS withholding penalty through an increased FY 20 budgeted education appropriation; allows the towns of Plymouth and Portland to reduce their budgeted education appropriations for FY 19 without penalty under specific conditions

Penalty Reduction and Waiver (§ 288)

By law, the SDE must penalize any town or regional school district that fails to meet its MBR in a fiscal year, as determined by the State Board of Education (SBE). For towns that violate the MBR, the department must withhold twice the amount of the town's budgeted education appropriation shortfall from the town's Education Cost Sharing (ECS) grant in the second fiscal year following the violation (CGS § 10-262i(e)).

The act requires any town with an SBE-determined budgeted education appropriation shortfall for FY 19 to forfeit an amount equal to the shortfall, rather than double the shortfall amount. It requires SDE to withhold the forfeiture from the town's ECS grant in FY 21 as required by law.

The act allows such a town to avoid this withholding penalty if it increases its budgeted education appropriation for FY 20 in an amount equal to the amount of its FY 19 shortfall.

Plymouth (§ 286)

The act specifically waives the MBR penalty for the town of Plymouth's budgeted education appropriation shortfall for FY 19, so long as the town increases this appropriation for FY 20 in an amount equal to the amount of its FY 19 shortfall.

Portland (§ 287)

The act allows the town of Portland to reduce its budgeted education appropriation for FY 19 in an amount equal to the documentable savings achieved in FY 18 through increased district efficiencies approved by the education commissioner. However, it caps this reduction at 0.5% of its budgeted appropriation for FY 18.

Existing law allows a town to reduce its FY 19 budgeted education appropriation for commissioner-approved increased efficiencies up to 0.5% of its budgeted appropriation for FY 17.

EFFECTIVE DATE: July 1, 2019, except that the Plymouth- and Portland-specific provisions are effective upon passage

§ 289 — SPECIAL EDUCATION EXCESS COST GRANT EXTENSION

Requires SBE to pay a special education excess cost grant to Region 14 irrespective of grant application filing deadlines

The act requires SBE to pay a special education excess cost grant for FY 20 to the Region 14 school district for excess costs incurred in FY 19, irrespective of statutory grant application filing deadlines. By law, a local or regional school district must file an excess cost grant application with SDE, in a manner prescribed by the commissioner, annually by December 1 and may submit claims for additional children or costs not included in the December filing by March 1 (CGS § 10-76g(b)).

EFFECTIVE DATE: July 1, 2019

§ 290 — BOARDS OF EDUCATION EXPENSE AND REVENUE DISCLOSURE

Requires boards of education to quarterly post online current and projected expenses and revenue and submit this information to the municipal legislative body or board of selectmen

The act requires, beginning with FY 20, each local and regional board of education to quarterly (1) post its current and projected expenses and revenue on its website and (2) submit a copy of the expenses and revenue to the municipal legislative body or board of selectmen, as applicable.

EFFECTIVE DATE: July 1, 2019

§ 291 — TEMPORARY FAMILY ASSISTANCE (TFA) AND STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) RATES

Freezes TFA and SAGA rates

The act extends through FY 21, a freeze on payment standards (i.e., benefits) for the Department of Social Services' (DSS) TFA and SAGA cash assistance programs at FY 15 rates.

TFA provides temporary cash assistance to families that meet certain income and asset limits. In general, SAGA provides cash assistance to single or married individuals who have low incomes, do not qualify for any other cash assistance program, and are temporarily unable to work due to medical reasons or qualify as unemployable.

EFFECTIVE DATE: July 1, 2019

§ 292 — STATE SUPPLEMENT PROGRAM (SSP) RATES

Freezes SSP rates

Generally, low-income people who are aged, blind, or have a disability can receive federal Supplemental Security Income (SSI) benefits if they meet certain financial eligibility requirements. The state supplements SSI benefits with SSP benefits for those who are eligible. To calculate the benefit, DSS subtracts any applicable disregards from an applicant's income and compares the difference to the program's payment standard. If the net income figure is less than the benefit, the person qualifies and the benefit equals the difference between them.

The law generally requires the DSS commissioner to annually increase SSP payment standards based on the consumer price index within certain parameters. The act extends the current freeze on these payment standards at FY 15 rates for the next two fiscal years (FYs 20 and 21).

EFFECTIVE DATE: July 1, 2019

§§ 293, 295 & 297 — RESIDENTIAL CARE HOMES, COMMUNITY LIVING ARRANGEMENTS, AND COMMUNITY COMPANION HOMES

Freezes rates for certain facilities through FY 21

Under the act, regardless of rate-setting laws or regulations to the contrary, the FY 16 rates the state pays to residential care homes, community living arrangements, and community companion homes that receive the flat rate for residential services remain in effect through FY 21. State regulations permit these facilities to have their rates determined on a flat rate basis rather than on the basis of submitted cost reports (Conn. Agency Reg., § 17-311-54).

EFFECTIVE DATE: July 1, 2019

§§ 294, 296, 298 & 299 — DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS) COMMUNITY COMPANION HOMES

Eliminates DDS community companion homes from the existing DSS rate structure and the types of “rated housing facilities” to which the department must make certain payments

As of January 1, 2020, the act eliminates references to DDS community companion homes from the DSS flat rate structure for residential services. It also explicitly exempts DDS community companion homes from the types of “rated housing facilities” (e.g., boarding facilities) to which DSS must make certain direct payments.

EFFECTIVE DATE: January 1, 2020

§§ 295 & 301 — INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF/IID) AND BOARDING HOMES

Freezes, with exceptions, rates for certain boarding homes and ICFs/IID

For FY 20 and FY 21, the act generally freezes at FY 19 levels the rates DSS pays for (1) ICFs/IIDs and (2) room and board at private residential facilities and similar facilities operated by regional educational service centers that are licensed to provide residential care for individuals with certain disabilities (non-ICFs/IID boarding homes). Within available appropriations, the act allows these rates to exceed the FY 19 level if capital improvements were (1) made in FY 20 or FY 21 for the health and safety of residents and (2) approved by DDS in consultation with DSS.

The act also extends through FY 21 a provision allowing DSS to provide fair rent increases to any ICF/IID with an approved certificate of need that undergoes a material change in circumstances related to fair rent.

EFFECTIVE DATE: July 1, 2019

§ 300 — RESIDENTIAL CARE HOMES

Authorizes certain fair rent increases for residential care homes in FYs 20 and 21

For FYs 20 and 21, the act caps rates for residential care homes at FY 19 levels, with an exception for homes to receive certain proportional fair rent increases. The act allows the DSS commissioner to provide such increases within available appropriations to homes with documented fair rent additions placed in service in cost report years ending September 30 in 2018 and 2019 that are not otherwise included in issued rates.

EFFECTIVE DATE: July 1, 2019

§ 302 — NURSING HOME RATES

Requires DSS to provide rate increases, within available appropriations, three times by January 1, 2021, to increase nursing home employee salaries and otherwise subjects nursing home rates to certain limits with various exceptions for FYs 20 and 21

By law, Medicaid rates for nursing homes are generally based on cost reports each facility files with DSS. For FY 20, the act requires the DSS commissioner to determine nursing home rates based on their 2018 cost report filings, adjusted to reflect any rate increases provided after the cost report year ending September 30, 2018. But, the act also establishes a minimum and maximum for such rates, with certain exceptions.

The act generally caps FY 20 nursing home rates at FY 19 levels and FY 21 rates at FY 20 levels, but allows the DSS commissioner to pay a facility a higher rate by providing, within available appropriations, proportional fair rent increases. Within these fair rent increases, the act allows the DSS commissioner to include, at her discretion, increases for facilities that have undergone a material change in circumstances related to fair rent additions in the previous year’s cost report and not otherwise included in issued rates.

The act also prohibits any facility’s FY 20 rates from being more than 2% lower than its FY 19 rate, unless the facility has (1) an occupancy level of less than 70%, as reported in its 2018 cost report, or (2) a one star overall rating on Medicare’s Nursing Home Compare for the three most recent reporting periods as of June 1, 2019, unless the facility is under an interim rate due to new ownership.

The act also requires the DSS commissioner to increase rates, within available appropriations, to enhance nursing home employee wages and benefits. The act requires her to do so effective July 1, 2019, October 1, 2020, and January 1, 2021. The act requires the commissioner to adjust the facility's rate to reflect any rate increases paid after the cost report year ending September 30, 2018. DSS may decrease rates in the same amount of the increase if a facility receives an increase for wage and benefit enhancements but does not increase employee salaries by September 30, 2019, October 31, 2020, and January 31, 2021, respectively. These provisions supersede the caps and other provisions described above.

EFFECTIVE DATE: July 1, 2019

§ 303 — RECEIVERSHIPS FOR NURSING HOMES AND RESIDENTIAL CARE HOMES

Requires nursing home and residential care home appointed receivers to begin closing facilities in certain circumstances and increases, from \$3,000 to \$10,000, the amount they can spend to correct or eliminate certain deficiencies

The act requires receivers operating a nursing home or residential care home to immediately begin closing the facility if (1) its overall occupancy is below 70% and (2) the closure is consistent with the state's strategic rebalancing plan. Prior law required receivers to seek facility purchase proposals within six months of their appointment. The act instead requires them to do so within the same timeframe only if the receiver determines that the facility's continued operation is viable.

The act decreases, from six months to 45 days, the time an appointed receiver has to determine whether the facility can continue to operate and provide adequate care to residents within its state, federal, and private payments, while complying with state and federal law.

Existing law allows receivers operating a nursing home or residential care home to correct or eliminate any deficiency in the facility's structure or furnishing that endangers residents' health or safety. The act increases, from \$3,000 to \$10,000, the amount receivers can spend for this purpose. It also makes a conforming change to allow the court to order expenditures in excess of \$10,000, rather than \$3,000, if the receiver applies for such an order.

EFFECTIVE DATE: July 1, 2019

§ 304 — PETITION FOR FACILITY CLOSURE

Allows certain facilities to submit petitions for closure to DSS; requires DSS to act on such petitions within 30 days; and establishes related notice requirements

By law, ICF-IIDs, nursing homes, rest homes, and residential care homes must generally apply to DSS to terminate a service or substantially decrease their bed capacity through the department's certificate of need process. The act further allows such facilities to submit a petition for closure to DSS. It allows DSS to authorize the closure if the facility's management demonstrates in its petition and to the commissioner's satisfaction that the closure is consistent with the state's strategic rebalancing plan, including bed need by geographical region, and that the facility:

1. is not viable based on actual and projected operating losses;
2. has an occupancy rate under 70% of its licensed bed capacity;
3. is in compliance with federal (a) requirements on notification of facility closure, (b) enforcement provisions for skilled nursing facilities that fail to meet certain requirements, and (c) requirements concerning implementation of a quality assurance and performance improvement program; and
4. is not providing special services that would go unmet (presumably, this means the need for the service would not go unmet) if the facility closed.

The act requires the petitioning facility to notify the Office of the Long-Term Care Ombudsman when the facility submits the petition to DSS. DSS must review a petition for closure to the extent it deems necessary. The act requires the petitioning facility to submit information DSS requests or deems necessary to (1) substantiate that the closure meets the above requirements and (2) provide oversight during this process. The act requires DSS to grant or deny the petition within 30 days after receiving it.

On the same date a facility submits such a petition to DSS, it must also provide written notice to all patients, guardians or conservators, if any, or legally liable relatives or other responsible parties, if known, and post the written notice in the facility in a conspicuous place. The act requires the notice to state:

1. the date the facility submitted the petition for closure;
2. that only DSS can grant or deny the petition and that the department has up to 30 days to do so;
3. a brief description of reasons for submitting the petition;
4. that no patient shall be involuntarily transferred or discharged within or from a facility under state or federal law due to the petition being filed;

5. that all patients have the right to appeal any proposed transfer or discharge; and
6. the name, mailing address, and telephone number of the Office of the Long-Term Care Ombudsman and local legal aid office.

The act also requires that the facility's written notice be accompanied by an informational letter issued jointly from the Office of the Long-Term Care Ombudsman and the Department of Rehabilitation Services (DORS) on patients' rights and services available as they relate to the closure petition. (PA 19-157 renames DORS as the "Department of Aging and Disability Services.") The informational letter must also state the date and time the ombudsman and the Department of Public Health will hold an informational session at the facility for the same parties receiving notice about their rights and the petition process.

EFFECTIVE DATE: July 1, 2019

§ 305 — PROHIBITION ON NON-COMPETE AGREEMENTS

Makes non-compete agreements in home health care, companion, or homemaker service contracts void and unenforceable

The act prohibits contracts for providing homemaker, companion, or home health services from including a provision that restricts an individual's right to provide such services (1) in any geographic area of the state for any period of time or (2) to a specific person (i.e., a "covenant not to compete"). Under the act, such covenants are against public policy, void, and unenforceable.

EFFECTIVE DATE: Upon passage

§§ 306 & 307 — HOSPITAL MEDICAID RATES AND SUPPLEMENTAL PAYMENTS

Requires the DSS commissioner to implement one or more value-based payment methodologies for hospitals and reduce applicable payments based on certain readmissions; prevents DSS from making Medicaid payments to hospitals if such payments are ineligible for federal financial participation; eliminates a requirement that the FY 20 aggregate amount in the supplemental pools be \$166.5 million; and requires \$15 million to be allocated in FY 20 and \$45 million in FY 21, based on certain parameters and within available appropriations

Value-Based Payment Methodologies and Readmission Penalties

The act requires the DSS commissioner to implement one or more value-based payment methodologies for hospitals that she determines will improve health outcomes and reduce unnecessary costs. The act allows her to phase in such methodologies over time to the extent she finds necessary. The methodologies may include those designed to:

1. reduce inpatient hospital readmissions;
2. reduce unnecessary caesarian section deliveries, take appropriate actions to reduce preterm deliveries, and improve obstetrical care outcomes;
3. address outpatient infusions involving high-cost medications through performance-based payments; and
4. implement other policies as determined by the commissioner.

The act also requires the DSS commissioner to reduce the total applicable rate payment by 15% for each hospital readmission. Under the act, a readmission occurs when an individual is admitted to the hospital for observation services for a diagnosis within 30 days after being discharged for the same or similar diagnosis. This provision is in addition to any value-based payment methodologies the commissioner establishes and does not preclude her from establishing additional value-based payment methodologies regarding readmissions. (§ 45 of the act exempts Connecticut Children's Medical Center and Yale New Haven Children's Hospital from this provision for FYs 20 and 21.)

Regardless of any other provision in statutes, the act requires that each applicable hospital rate and supplemental payment methodology (see below) designed by the commissioner incorporate each value-based payment methodology the commissioner establishes, including structuring applicable payment based on each hospital's performance on the measures of each value-based payment methodology.

Medicaid Payments Ineligible for Federal Financial Participation

Generally, Medicaid is jointly funded by the state and federal government. The state administers the Medicaid program and it receives matching dollars from the federal government for payments made through the program. Under the act, if Medicaid payments made to hospitals are not eligible for federal financial participation (i.e., matching federal

funding), DSS must adjust hospital payments to ensure that no Medicaid payments are made to hospitals that are not eligible for federal financial participation for all applicable payments and time periods.

The act limits Medicaid payments to hospitals to those payments that comply with federal law and prohibits statutes on hospital Medicaid rates and supplemental payments from being interpreted to require DSS to make payments that are ineligible for federal financial participation (e.g., payments that exceed federal laws' upper payment limits).

Supplemental Payments

Federal law allows states to make supplemental Medicaid payments to certain institutional providers, including hospitals. State law groups hospitals into "pools" for distributing these payments.

Under the act, out of the aggregate amount in the supplemental pools, \$15 million must be allocated to hospitals in FY 20 and \$45 million in FY 21 based on each hospital's performance on quality measures established by DSS and within available appropriations. The act requires the payments to be allocated proportionately from each of the supplemental pools authorized under existing law (i.e., a supplemental inpatient pool, a supplemental outpatient pool, a supplemental small hospital pool, a supplemental mid-size pool, and other pools DSS may establish in consultation with the Connecticut Hospital Association).

For FY 20, prior law required the amount of funds in the supplemental pools to total \$166.5 million in the aggregate. The act eliminates this requirement.

The act eliminates provisions related to notice, scheduling, and aggregate amounts of FYs 18 and 19 supplemental payments.

EFFECTIVE DATE: July 1, 2019

§ 308 — MEALS ON WHEELS

Increases the reimbursement rate for certain meals-on-wheels providers by 10% in FY 20

The act requires the DSS commissioner to increase, by 10%, the reimbursement rate for meals-on-wheels providers under the Connecticut Home Care Program for Elders (i.e., a Medicaid waiver program providing home and community-based services for individuals age 65 and older who are at risk for institutionalization). Under the act, the increased rates are effective July 1, 2019, and based on the FY 19 fee schedule.

The act also makes technical changes, including deleting an obsolete statutory provision.

EFFECTIVE DATE: July 1, 2019

§ 309 — DSS FAIR HEARINGS

Specifies the deadline for DSS to issue a final decision on an administrative appeal and remedies when it fails to meet the deadline

For administrative fair hearings, prior law required the DSS commissioner, or her designated hearing officer, to (1) render a final decision within 60 days after the hearing or, for emergency housing-related hearings, within three business days and (2) take final administrative action within 90 days after receiving the hearing request. The act eliminates the 60-day deadline and instead requires DSS to ordinarily render a final decision within 90 days after receiving the hearing request. (It retains the three-business-day deadline for final decisions related to emergency housing.)

The act allows fair hearing final decision deadlines to be extended when (1) the aggrieved person requests or agrees to an extension or (2) the commissioner documents an administrative or other extenuating circumstance beyond her control.

The act specifies that the department's failure to render a final decision within these time limits is not deemed an approval on the merits of the aggrieved person's requested relief. In such instances, it allows the aggrieved person to file a request for a final decision with the designated hearing officer, who must render the decision within 20 days after receiving it.

By law, aggrieved applicants may appeal a final decision to the Superior Court under the Uniform Administrative Procedure Act (UAPA).

The act also makes several technical changes.

EFFECTIVE DATE: Upon passage

§ 310 — COMMUNITIES OF COLOR PILOT GRANT

Authorizes a two-year pilot grant program to build the capacity of certain community-based organizations

The act requires the DSS commissioner, within available appropriations, to contract with an eligible nonprofit organization to administer a two-year pilot program to build the capacity of eligible community-based organizations by helping them to improve operational efficiencies through performance-based metrics and adopt long-term fiscal sustainability strategies. In order to administer the program, the nonprofit organization must have (1) at least 15 years of experience coordinating advocacy, service, and outreach efforts for Hispanic charitable organizations that support Hispanic people and (2) a proven track record of establishing networks with non-Hispanic organizations that provide services to fellow communities of color (i.e., nonwhite Hispanic, African-American, or Asian Pacific-American).

Program Administration

Under the act, the commissioner must require the program administrator to (1) establish a competitive procurement process by issuing requests for proposals (RFPs) to eligible community-based organizations; (2) establish a results-based grant contract evaluation system that includes goals that eligible organizations must meet in order to be considered for grant contract renewal; and (3) meet commissioner-established goals for program administration, including reporting on program expenditures and complying with administrative expense limitations.

Eligibility for Grants

The act defines "eligible community-based organization" as a nonprofit organization that:

1. has a 501(c)(3) nonprofit tax-exemption;
2. has been an incorporated nonprofit for at least three years;
3. is Connecticut-based and a direct provider of human services;
4. serves a population comprised of at least 51% Hispanic people or non-Hispanic communities of color;
5. is (a) led by a chief executive officer who is Hispanic, African-American, or Asian Pacific-American or (b) governed by a board with a majority of members who are Hispanic, African-American or Asian Pacific-American; and
6. has an annual operating budget of at least \$150,000.

Under the act, RFPs that the grant administrator issues must state that preference will be given to eligible community-based organizations that (1) are led by a chief executive officer who is, and governed by a board with a majority of members who are, Hispanic, African-American, or Asian Pacific-American; (2) have annual budgets of less than \$1 million; and (3) offer services that are culturally competent and language accessible (i.e., services that effectively meet the recipient's social, cultural, and linguistic needs in the recipient's own language).

Use of Grants

The act requires the program to provide grants to eligible community-based organizations to support capacity building, training, and technical assistance opportunities in:

1. financial management, including financial planning, budget development, fiscal monitoring, and cash flow analysis;
2. board development, including establishing board committees, a fundraising board, and conducting professional board meetings;
3. fund development, including gift solicitation and event planning;
4. nonprofit management and leadership training;
5. information technology;
6. collaborations and merger planning; and
7. results-oriented outcome training, including developing progress metrics and performance tracking tools.

Reporting

By January 1, 2021, the commissioner must submit a report to the Appropriations and Human Services committees on (1) the number of eligible community-based organizations awarded grants under the program, (2) whether and how the program has improved the capacity of community-based organizations to meet needs, (3) the program administrator's

performance, and (4) a recommendation on whether the program should continue or expand and any necessary appropriations.

EFFECTIVE DATE: Upon passage

§ 311 — METHADONE MAINTENANCE

Requires the DSS commissioner to amend the state Medicaid plan to provide an \$88.52 minimum weekly reimbursement rate for a Medicaid beneficiary's methadone maintenance treatment from chemical maintenance providers but also makes such rates contingent on meeting certain performance measures beginning July 1, 2020, and lowers rates for providers who fail to meet certain standards

The act requires the DSS commissioner to amend the state Medicaid plan to provide an \$88.52 minimum weekly reimbursement rate for a Medicaid beneficiary's methadone maintenance treatment from chemical maintenance providers. The act prohibits DSS from reducing a provider's rate to the minimum, as a result of establishing the minimum rate, if the provider is receiving a higher rate.

Under the act, "methadone maintenance" is a chemical maintenance program in which an addiction to one drug (e.g., heroin) is treated with the drug methadone in a weekly program that includes on and off-site methadone administration, drug testing, and counseling. Chemical maintenance providers are certified and licensed by the federal Substance Abuse and Mental Health Services Administration and the state Department of Public Health and meet all federal and state requirements, including requirements specific to providing chemical maintenance services.

Under the act, beginning July 1, 2020, and regardless of the minimum reimbursement rate established above, reimbursement for methadone maintenance treatment is contingent on meeting certain performance measures as determined by the DSS commissioner. The act requires DSS to develop performance measures in consultation with the Department of Mental Health and Addiction Services and chemical maintenance providers, including, by September 30, 2019, initial performance measures and the means by which such measures will be evaluated.

The act requires the initial evaluation period to be based on claims data for the quarter ending March 31, 2020, and allows performance measures and thresholds to be adjusted (presumably, by DSS) after the initial evaluation period.

Under the act, providers that fail to meet department-identified standards on performance measures receive rate reductions as follows, but no more than a 10% decrease annually:

1. up to 5% for quarters ending September 30, 2020, and December 31, 2020, and
2. up to 10% for quarters beginning January 1, 2021.

The act allows DSS to implement policies and procedures to administer the act's methadone provisions while adopting them as regulations. It requires DSS to print notice of its intent to adopt regulations on its website and the eRegulations System within 20 days after it implements the policies and procedures. Under the act, the policies and procedures are valid until DSS adopts final regulations.

EFFECTIVE DATE: July 1, 2019

§§ 312 & 313 — BURIAL EXPENSE ASSISTANCE

Increases the cap for DSS burial assistance by \$150

By law, when an individual dies in Connecticut and does not leave a sufficient estate or have a legally liable relative able to cover funeral and burial or cremation costs, DSS must provide a payment toward them. DSS must also provide this payment for recipients of certain state benefit programs (i.e., State Administered General Assistance, State Supplement Program, and Temporary Family Assistance). The act increases the maximum payment for these costs by \$150 to \$1,350. The payment must be reduced dollar-for-dollar by:

1. the amount in a revocable or irrevocable funeral fund or prepaid funeral contract;
2. the face value of the decedent's life insurance policy, if any, provided the policy names a funeral home, cemetery, or crematory as a beneficiary;
3. the net value of all liquid assets in the decedent's estate; and
4. contributions over \$3,400 towards the funeral and burial costs from all other sources, including friends, relatives, other individuals, organizations, agencies, veteran's programs, and other benefit programs.

EFFECTIVE DATE: July 1, 2019

§ 314 — ACQUIRED BRAIN INJURY (ABI) WAIVER ADVISORY COMMITTEE MEETINGS

Reduces the frequency of required ABI waiver advisory committee meetings from four times per year to once annually

By law, DSS administers two home- and community-based Medicaid waivers for individuals with acquired brain injuries. Existing law also establishes an advisory committee related to one of these waivers. The act reduces the frequency of required advisory committee meetings from four times per year to once annually.

EFFECTIVE DATE: July 1, 2019

§ 315 — NATCHAUG HOSPITAL

Increases the inpatient Medicaid reimbursement rate for Natchaug Hospital to \$975 per day in FY 21

The act requires the DSS commissioner to provide an inpatient Medicaid reimbursement rate of \$975 per day to Natchaug Hospital for FY 21. Under federal law, state Medicaid provider payments must be consistent with efficiency, economy, and quality of care and sufficient to enlist enough providers so that care and services are available under the plan to at least the extent that such care and services are available to the general population in the geographic area (42 U.S.C. § 1396a(a)(30)(A)).

EFFECTIVE DATE: July 1, 2020

§ 316 — HUSKY A MEDICAID ELIGIBILITY

Expands Medicaid eligibility for HUSKY A parents and caretakers by increasing the income limit from 150% to 155% of the FPL

By law, DSS provides Medicaid coverage to children under age 19 and their parents or caretaker relatives through HUSKY A. Under prior law, the income limit for parents and caretakers in this program was 150% of the federal poverty level (FPL) (\$31,995 for a family of 3 in 2019). The act expands HUSKY A eligibility by raising the income limit for non-pregnant adults (i.e., parents or caretaker relatives) to 155% FPL (\$33,061 for a family of 3 in 2019).

However, federal law requires state agencies to include a 5% income disregard when making certain Medicaid eligibility determinations. Thus, under the act and including this disregard, the effective HUSKY A income limit for parents and caretaker relatives increases from 155% FPL to 160% FPL (\$34,128 for a family of 3 in 2019).

EFFECTIVE DATE: October 1, 2019

§§ 317 & 318 — MOTOR VEHICLE SALES AND USE TAX DIVERSION

Reduces the scheduled diversion of motor vehicle sales and use tax revenue to the Special Transportation Fund in FYs 20 and 21

The law phases in a diversion of motor vehicle sales and use tax revenue to the Special Transportation Fund (STF) from FYs 19 to 23, according to a specified schedule. The act modifies this schedule by reducing the required diversion in FY 20 and FY 21, as shown in the table below.

Schedule of Motor Vehicle Sales and Use Tax Diversion to STF

FY	% of Revenue Diverted to STF	
	Prior Law	Act
20	33	17
21	56	25
22	75	75
23 and thereafter	100	100

EFFECTIVE DATE: July 1, 2019, and applicable to sales occurring on or after that date.

§§ 319-322 — SALES AND USE TAX ON DIGITAL GOODS AND CERTAIN ELECTRONICALLY DELIVERED SOFTWARE

Increases, from 1% to 6.35%, the sales and use tax rate on digital goods and certain electronically delivered software; establishes conditions under which sales of canned or prewritten software and digital goods or taxable services are considered “sales for resale” and thus exempt from sales tax

Rate Increase

The act increases, from 1% to 6.35%, the sales and use tax rate on:

1. digital goods (i.e., electronically accessed or transferred audio, visual, or audio-visual works; reading materials; or ring tones) and
2. canned or prewritten software that is electronically accessed or transferred, other than when purchased by a business for use by such business, and any additional content related to such software.

Under prior law, both were considered computer and data processing services subject to the 1% rate for such services. By law, unchanged by the act, canned or prewritten computer software delivered by other means is tangible personal property subject to the 6.35% rate.

Sales for Resale

The act establishes conditions under which sales of canned or prewritten computer software, digital goods, or taxable services are considered “sales for resale” and thus exempt from sales tax.

Under the act:

1. sales of canned or prewritten computer software are considered sales for resale if the purchaser subsequently sells, licenses, or leases the software unaltered to an ultimate consumer;
2. sales of digital goods are considered sales for resale if they are an integral, inseparable component of another digital good or specified taxable service (i.e., telecommunications service, community antenna television service, certified competitive video service, or other taxable service) that the purchaser subsequently sold, licensed, leased, broadcast, transmitted, or distributed, in whole or part, to an ultimate consumer; and
3. sales of taxable services (e.g., computer and data processing services) are considered sales for resale if they are an integral, inseparable component of digital goods that the purchaser subsequently resold to an ultimate consumer.

In each case, the purchaser must maintain records that substantiate (1) from whom the software, digital goods, or services were purchased and to whom they were resold; (2) the purchase price; and (3) the nature of the transaction with the ultimate consumer, which for software sales must demonstrate that the same software was provided unaltered.

EFFECTIVE DATE: October 1, 2019, and applicable to sales occurring on or after that date.

§§ 323 & 324 — SALES AND USE TAX ON MEALS AND BEVERAGES

Increases the sales and use tax rate on sales of meals and beverages from 6.35% to 7.35%

The act increases, from 6.35% to 7.35%, the sales and use tax rate on sales of (1) meals sold by eating establishments, caterers, or grocery stores and (2) liquors, soft drinks, sodas, and beverages ordinarily dispensed at, or in connection with, bars and soda fountains. Under existing DRS policy, special rules apply to meals sold by grocery stores.

By law, a “meal” is food sold in ready-to-eat form or wrapped as “take-out” or “to-go” to be eaten elsewhere. An “eating establishment” includes a restaurant, cafeteria, grinder shop, pizzeria, drive-in, fast food outlet, ice cream truck, hot dog cart, refreshment stand, sandwich shop, private and social club, cocktail lounge, tavern, diner, snack bar, and hotel or boarding house that furnishes both lodging and meals to its guests (CGS § 12-412(13)).

Existing law, unchanged by the act, directs a portion of the revenue generated by the 6.35% sales and use tax rate to the (1) Special Transportation Fund and (2) beginning in FY 22, municipal revenue sharing account. Under the act, the revenue from the additional 1% rate on meals and beverages is not subject to this revenue diversion.

EFFECTIVE DATE: October 1, 2019, and applicable to sales occurring on or after that date.

§§ 323 & 324 — SALES AND USE TAX ON DYED DIESEL FUEL

Reduces, from 6.35% to 2.99%, the sales tax rate on certain dyed diesel fuel

The act reduces, from 6.35% to 2.99%, the sales and use tax rate applicable to dyed diesel fuel. The reduced rate applies to dyed diesel fuel that is sold by a marine fuel dock exclusively for marine purposes or stored, accepted, or otherwise used for those purposes. Federal law exempts diesel fuel used for certain non-highway purposes, including marine purposes, from federal fuel taxes and requires that exempt diesel fuel be dyed red so it can be identified. Under state law, dyed diesel fuel is exempt from the motor fuels tax and the petroleum products gross earnings tax (CGS §§ 12-458 & 12-587(b)(2)(L)).

EFFECTIVE DATE: October 1, 2019, and applicable to sales occurring on or after that date.

§§ 325 & 326 — SALES AND USE TAX EXTENDED TO ADDITIONAL SERVICES

Extends the sales and use tax to (1) specified parking services; (2) dry cleaning and laundry services, excluding coin-operated services; and (3) interior design services, except for business-to-business

The act extends the sales and use tax to the following motor vehicle parking services:

1. parking in lots with fewer than 30 spaces, except for employer-operated lots (a) owned or leased for a minimum of 10 years and (b) operated for the exclusive use of employees (lots with 30 or more spaces are already subject to tax under existing law, subject to the same exclusion for employer-operated lots);
2. metered parking;
3. parking in seasonal lots operated by the state or political subdivisions and municipally owned lots; and
4. parking in municipally operated, or state-owned and operated, railroad parking facilities in municipalities located in an area identified as having severe ozone pollution (i.e., a severe nonattainment area for ozone).

The act also extends the tax to (1) dry cleaning and laundry services, excluding coin-operated services, and (2) interior design services described in industry group 54141 of the North American Industry Classification System (NAICS), excluding such services that a business purchases for its own use. (NAICS industry group 54141 is comprised of establishments primarily engaged in planning, designing, and administering projects in interior spaces to meet the physical and aesthetic needs of people using them, taking into consideration building codes, health and safety regulations, traffic patterns and floor planning, mechanical and electrical needs, and interior fittings and furniture.)

To qualify for the exemption for interior design services purchased by a business, the purchaser must present a certificate, prescribed by the DRS commissioner, to the seller. The certificate must certify that the purchaser is a business purchasing the services for its business. The act makes the purchaser liable for the tax otherwise imposed if it provides the certificate to the seller improperly. Anyone who willfully delivers to a seller a certificate that is known to be materially fraudulent or false is guilty of a class D felony ([see Table on Penalties](#)), in addition to any other penalty the law provides. EFFECTIVE DATE: January 1, 2020, and applicable to sales occurring on or after that date.

§§ 327 & 328 — EXPANDED SALES TAX NEXUS

Lowers the threshold for sales tax economic nexus and broadens its application; lowers the sales threshold for “click-through” nexus

Economic Nexus

The act lowers the threshold for the sales tax economic nexus law and broadens its application, thus expanding the number of out-of-state retailers making retail sales in the state that must collect and remit Connecticut sales tax.

Under prior law, out-of-state retailers that regularly and systematically solicited sales of tangible personal property in Connecticut had to collect and remit sales tax if they (1) made at least 200 Connecticut sales during the preceding 12-month period (ending September 30) and (2) had gross receipts of \$250,000 or more during that period.

The act (1) lowers the threshold to 200 transactions and \$100,000 in gross receipts during the 12-month period; (2) expands it to apply to out-of-state retailers making retail sales of services, rather than just tangible personal property; and (3) eliminates the condition that such retailers be regularly or systematically soliciting sales in Connecticut.

“Click-Through” Nexus

The act similarly lowers the sales threshold over which retailers selling tangible personal property or services through

certain agreements with people located in Connecticut must collect and remit sales tax on their in-state taxable sales. The agreements must provide that in return for the person in Connecticut referring potential customers to the retailer (directly or indirectly by any means, including a website link), the person will receive a commission or other compensation from that retailer.

Under prior law, the requirement to collect sales tax applied to any retailer that annually earned more than \$250,000 in gross receipts from sales in the state under such referral agreements in the preceding four quarters. The act lowers this sales threshold to \$100,000.

EFFECTIVE DATE: July 1, 2019, and applicable to sales occurring on or after that date.

§§ 329 & 330 — SHORT-TERM RENTAL FACILITATOR

Requires short-term rental facilitators to collect and remit Connecticut room occupancy tax on the short-term rentals they facilitate for operators on their platforms

Room Occupancy Tax Collection and Remittance Requirement

The act requires “short-term rental facilitators” to (1) obtain a sales tax permit to collect the room occupancy tax (i.e., 15% sales and use tax for hotels and lodging houses and 11% for bed and breakfast establishments) and (2) be considered retailers for the sales they facilitate for short-term rental operators on their platforms.

Under the act, a short-term rental facilitator must:

1. collect and remit sales tax on each such sale;
2. be responsible for all of the obligations the state sales and use tax law imposes as if it were the lodging house operator and retailer of the sale; and
3. keep the records and information the DRS commissioner requires to ensure proper sales tax collection and remittance, in accordance with existing sales tax record-keeping requirements.

The act additionally provides that short-term rental operators are not liable for collecting room occupancy tax to the extent that the short-term rental facilitator collected the tax due.

Existing law applies similar requirements to marketplace facilitators for the sales they facilitate for sellers on their forums. Marketplace facilitators are generally businesses that (1) facilitate retail sales for sellers by providing a forum that lists or advertises the sellers’ goods and services and (2) collect receipts from customers and remit payments to sellers.

Definitions

Under the act, a “short-term rental facilitator” is any person who:

1. during the prior 12-month period, facilitates retail sales of at least \$250,000 by short-term rental operators by providing a short-term rental platform;
2. collects rent for occupancy and remits payments to short-term rental operators, directly or indirectly through agreements or arrangements with third parties; and
3. receives compensation or other consideration for such services.

A “short-term rental operator” is any person who has an agreement with a short-term rental facilitator regarding the listing or advertising of a short-term rental (i.e., the transfer for consideration of the occupancy in a furnished residence or similar accommodation for 30 days or less) in this state.

A “short-term rental platform” is a physical or electronic place that allows such operators to display available accommodations to prospective guests, including a store, booth, website, catalog, or dedicated software application.

EFFECTIVE DATE: October 1, 2019; conforming change to the definition of retailer is applicable to sales occurring on or after that date.

§ 331 — CERTIFIED SERVICE PROVIDERS

Requires the DRS commissioner to (1) consult with the Streamlined Sales Tax Governing Board to develop a list of certified service providers to facilitate Connecticut sales tax collection and remittance, (2) develop a plan to implement the use of CSPs, and (3) report to the legislature on the plan and legislation to implement it

The act requires the DRS commissioner to (1) consult with the Streamlined Sales Tax Governing Board to develop a list of certified service providers (CSPs) to facilitate Connecticut sales tax collection and remittance and (2) develop a plan to use such CSPs to collect, report, and remit sales and use taxes. The plan may require that retailers use CSPs and

must identify the costs to retailers for such services.

By February 5, 2020, the commissioner must submit the plan to the Finance, Revenue and Bonding Committee, along with a draft of proposed legislation to implement it.

EFFECTIVE DATE: Upon passage

§§ 332 & 334 — INCOME TAX EXEMPTION FOR TEACHER PENSIONS

Delays by two years the scheduled increase in the teacher pension income tax exemption from 25% to 50%

The act delays, by two years, the scheduled increase in the income tax exemption for income received from the state teachers' retirement system. Under prior law, the exemption increased from 25% to 50% for 2019 and subsequent tax years. The act instead maintains it at 25% for 2019 and 2020 and increases it to 50% beginning in 2021.

The act provides that taxpayers are not subject to estimated tax payment requirements and interest on underpayments for the 2019 tax year for any additional tax due as a result of this delay before the provision takes effect.

EFFECTIVE DATE: Upon passage; teacher pension provision is applicable to tax years beginning on or after January 1, 2019.

§§ 333 & 334 — TAX CREDIT FOR PASS-THROUGH ENTITY TAX PAID

Reduces the value of the tax credit to 87.5%, rather than 93.01%, of a member's share of taxes paid by the pass-through entity

Existing law imposes an income tax on most pass-through businesses (i.e., affected business entities) at the entity level but provides offsetting credits at the personal or corporate income tax level to the pass-through entity's members (i.e., owners).

Under prior law, the tax credit equaled a member's direct and indirect share of the tax paid by the pass-through business, multiplied by 93.01%. The act reduces the value of the credit by reducing the multiplier to 87.5%.

The act provides that taxpayers are not subject to estimated tax payment requirements and interest on underpayments for the 2019 tax year for any additional tax due as a result of this reduction before the provision takes effect.

EFFECTIVE DATE: Upon passage; tax credit reduction is applicable to taxable and income years beginning on or after January 1, 2019.

§ 335 — PROPERTY TAX CREDIT LIMIT

Extends to the 2019 and 2020 tax years the eligibility limits for the property tax credit against the personal income tax

For the 2017 and 2018 tax years, the law limited eligibility for the property tax credit against the personal income tax to people who (1) were age 65 or older before the end of the tax year or (2) validly claimed at least one dependent on their federal income tax return for that year. The act extends these limits to the 2019 and 2020 tax years.

By law, taxpayers earn the credit for property taxes paid on their primary residences or motor vehicles, and the amount of property taxes paid that can be taken as a credit declines as adjusted gross income increases until it completely phases out. The maximum credit is \$200 per tax return.

The act also makes technical changes to remove provisions pertaining to prior years, among other things.

EFFECTIVE DATE: Upon passage

§§ 335 & 337 — REAL ESTATE CONVEYANCE TAX ON SALES ABOVE \$2.5 MILLION

Establishes a new marginal conveyance tax rate for sales of residential property in excess of \$2.5 million and allows taxpayers who pay at such a rate to claim a property tax credit against the income tax based on the conveyance tax they paid

New Marginal Rate

For residential property with a sales price of at least \$800,000, existing law sets the real estate conveyance tax rate at (1) 0.75% of the first \$800,000 of the sales price and (2) 1.25% of any portion of the sales price that exceeds \$800,000. Beginning July 1, 2020, the act establishes a new rate of 2.25% on the portion of the sales price that exceeds \$2.5 million.

Property Tax Credit Against the Income Tax

For tax years beginning on or after January 1, 2021, the act establishes an alternative basis that certain conveyance taxpayers may use for claiming a property tax credit against the income tax. Under the act, taxpayers who paid conveyance tax at the new 2.25% rate may claim a property tax credit based on the amount they paid in conveyance tax at the new rate. Taxpayers who claim the credit on this basis are not subject to existing law's income eligibility limits or \$200 credit maximum. By law, eligibility for the property tax credit against the income tax credit is limited to state residents.

Under the act, taxpayers may use the conveyance tax payment as the basis for the property tax credit for three years, beginning in the third tax year after the year in which the taxpayer paid the conveyance tax. The credit in each year cannot exceed 33.3% of the amount of conveyance tax the taxpayer paid at the 2.25% rate. If a taxpayer does not use the full amount of the credit in a given year because it exceeds what the taxpayer owes in income tax or paid in property tax, then the taxpayer may carry the unused portion forward for up to six successive tax years.

EFFECTIVE DATE: July 1, 2019, except that the tax credit provision is effective upon passage.

§ 336 — REAL ESTATE CONVEYANCE TAX EXEMPTION FOR CERTAIN PROPERTY WITH CRUMBLING FOUNDATIONS

Exempts from the real estate conveyance tax transfers of certain property with crumbling foundations

The act exempts from the real estate conveyance tax transfers of certain principal residences with concrete foundations that have deteriorated due to the presence of pyrrhotite. To be eligible, the transferor must obtain a written evaluation from a licensed professional engineer indicating that the foundation was made with defective concrete.

The exemption applies to the first transfer of the residence after the written evaluation is obtained but is not available to a transferor who received financial assistance to repair or replace the foundation from the Crumbling Foundations Assistance Fund.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

§§ 338 & 339 — BUSINESS ENTITY TAX

Sunsets the business entity tax beginning January 1, 2020

The act sunsets the business entity tax beginning January 1, 2020. The tax is \$250, due every other taxable year, and is imposed on certain business entities (e.g., S corps, limited partnerships, limited liability partnerships, and limited liability companies).

EFFECTIVE DATE: Upon passage, except a conforming change is effective January 1, 2020.

§ 340 — CAPITAL BASE TAX PHASE OUT

Phases out the capital base tax over four years

The act phases out the capital base tax on corporations over four years, from 2021 to 2024. Currently, the tax rate is 3.1 mills per dollar of a corporation's capital base (i.e., its net worth apportioned to Connecticut). Under the act, the rate decreases to 2.6 mills in 2021, 2.1 mills in 2022, 1.1 mills in 2023, and is eliminated beginning in 2024.

The capital base tax is a component of the state's corporation business tax. By law, for most corporations, the corporation business tax rate is (1) 7.5% of net income, (2) 3.1 mills per dollar of capital base (up to \$1 million), or (3) \$250, whichever produces the larger tax.

EFFECTIVE DATE: Upon passage

§§ 341-343 — CORPORATION BUSINESS TAX SURCHARGE

Extends the 10% corporation business tax surcharge for two additional years, the 2019 and 2020 income years

The act extends the 10% corporation business tax surcharge for two additional years, to the 2019 and 2020 income years.

By law, companies must calculate their surcharges based on their tax liability, excluding any credits. As under existing law, the surcharge for 2019 and 2020 applies to companies that have more than \$250 in corporation tax liability and either (1) have at least \$100 million in annual gross income in those years or (2) are taxable members of a combined group that files a combined unitary return, regardless of their annual gross income amount.

The act provides that taxpayers are not subject to estimated tax payment requirements and interest on underpayments for the 2019 income year for any additional tax due as a result of the surcharge extension before the provision takes effect.

EFFECTIVE DATE: Upon passage; surcharge is applicable to income years beginning on or after January 1, 2019.

§§ 344-346 — BUSINESS FILING FEES

Beginning July 1, 2020, increases from \$20 to \$80 the fee that foreign and domestic limited partnerships, limited liability companies, and limited liability partnerships pay for filing an annual report with the secretary of the state

Beginning July 1, 2020, the act increases, from \$20 to \$80, the fee that foreign and domestic limited partnerships, limited liability companies, and limited liability partnerships must pay for filing an annual report with the secretary of the state.

EFFECTIVE DATE: July 1, 2019

§ 347 — ANGEL INVESTOR TAX CREDIT

Extends the angel investor tax credit program by five years, to July 1, 2024; increases the total amount of angel investor tax credits (1) available in each fiscal year from \$3 million to \$5 million and (2) allowed to any angel investor from \$250,000 to \$500,000; authorizes CI to prioritize certain unreserved credits for various businesses

The act extends the angel investor tax credit program by five years, from July 1, 2019, to July 1, 2024. It increases (1) from \$3 million to \$5 million, the annual aggregate cap on angel investor credits each fiscal year and (2) from \$250,000 to \$500,000, the total amount of tax credits allowed to any angel investor.

By law, the amount of credits that Connecticut Innovations (CI) may reserve each year for investments in emerging technology businesses is capped at 75% of the total amount of credits available that year, but CI may exceed the cap if any unreserved credits remain after April 1 in each year. The act authorizes CI to prioritize the unreserved credits for veteran-owned, women-owned, or minority-owned businesses and businesses owned by individuals with disabilities.

Under this program, angel investors (i.e., investors who are considered “accredited investors” by the Securities and Exchange Commission) who invest at least \$25,000 in approved businesses are eligible for a personal income tax credit equal to 25% of their investment, up to a capped amount.

EFFECTIVE DATE: July 1, 2019, and applicable to income and tax years beginning on or after January 1, 2019.

§ 348 — SET-ASIDE PROGRAM

Increases the number of businesses and nonprofits eligible to bid on small contractor and minority business set-aside contracts by increasing the annual gross revenue limit for eligible small contractors from \$15 million to \$20 million

The act increases the number of businesses and nonprofit corporations eligible to bid on small contractor and minority business enterprise set-aside contracts. By law, all state agencies and contractors awarded municipal public works contracts or state quasi-public agency contracts must annually set aside or reserve (1) 25% of their contracts for exclusive bidding by state certified “small contractors,” which include nonprofit organizations, and (2) 25% of that amount (6.25% of the total) for exclusive bidding by small contractors that are certified minority business enterprises, including those owned or operated by women, people with disabilities, and minority group members.

Under prior law, independent businesses and nonprofits could bid on these contracts only if their (1) annual gross revenue in the most recently completed fiscal year was under \$15 million and (2) principal place of business was anywhere in Connecticut. Those affiliated with other entities could bid on the contracts only if their combined annual revenue did not exceed the \$15 million ceiling. The act raises this ceiling to \$20 million.

EFFECTIVE DATE: October 1, 2019

§ 349 — CORPORATION BUSINESS TAX CREDITS CAP

Reduces from 70% to 50.01% the amount by which a company may reduce its tax liability using R&D and URA credits

The act reduces, from 70% to 50.01%, the amount by which a company may reduce its corporation business tax liability using research and development and Urban and Industrial Sites Reinvestment Act (URA) credits. Under existing law, the 50.01% credit cap applies to all other corporation business tax credits.

EFFECTIVE DATE: Upon passage, and applicable to income years beginning on or after January 1, 2019.

§§ 350 & 370 — PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PROGRAMMING AND EDUCATION TECHNOLOGY INVESTMENT ACCOUNT

For FY 20, transfers \$7 million to PEGPETIA from the General Fund; beginning in FY 22, eliminates the annual \$3.5 million transfer to the General Fund from PEGPETIA

The act requires the comptroller, by June 30, 2020, to transfer \$7 million from the General Fund to the public, educational, and governmental programming and education technology investment account (PEGPETIA). The act also eliminates, beginning in FY 22, the annual \$3.5 million transfer from PEGPETIA to the General Fund.

Generally, the account provides grants for public, educational, and governmental (i.e. community access) programming and education technology initiatives.

EFFECTIVE DATE: July 1, 2019

§ 351 — E-CIGARETTE TAX

Imposes a tax on e-cigarette products at a rate of (1) 40 cents per milliliter for pre-filled e-cigarette products and (2) 10% of the wholesale price for all other e-cigarette products

Imposition of Tax

The act imposes a tax on sales of electronic cigarette (e-cigarette) products by e-cigarette wholesalers. “E-cigarette products” are electronic nicotine delivery systems; liquid nicotine containers; vapor products; and e-cigarette liquids (i.e., liquids that, when used in an electronic nicotine delivery system, produce a vapor that includes nicotine and is inhaled by the system’s user).

The tax is imposed each calendar month, beginning October 1, 2019, at a rate of:

1. 40 cents per milliliter of e-cigarette liquid, for any e-cigarette product that is pre-filled, manufacturer-sealed, and not intended to be refillable and
2. 10% of the wholesale price for all other e-cigarette products whether or not sold at wholesale, or if not sold, at the same rate upon use by the wholesaler.

“Wholesale sales price” means the price of e-cigarette products or, if no price has been set, their wholesale value. Under the act, only the first sale or use of the same product by the wholesaler is used to compute the tax.

Under the act, an e-cigarette wholesaler is a (1) person engaged in the business of selling e-cigarette products at wholesale in the state; (2) person in the state that purchases e-cigarette products at wholesale from a manufacturer; or (3) dealer, retailer, or other person that otherwise imports, or causes another to import, untaxed e-cigarette products into the state.

Administration

The act requires e-cigarette wholesalers, by the last day of each month, to (1) file electronically with DRS a return for the calendar month immediately preceding in the form and manner the DRS commissioner prescribes and (2) submit with the return the tax payment, paid by electronic funds transfer. The act specifies that no tax credits are allowable against the tax.

At the close of each fiscal year, beginning with FY 20, the act allows the state comptroller to record as revenue for the fiscal year the amount DRS received from e-cigarette tax revenue within five business days from the last day of July immediately following the end of the fiscal year.

The act also allows DRS to adopt regulations to implement the tax.

Enforcement and Penalties

The act imposes on anyone who fails to pay the tax a penalty of 10% of the tax due or \$50, whichever is greater. The penalty gathers interest at the rate of 1% per month from the tax due date until it is paid. The commissioner may waive all or part of any penalty, subject to existing law's provisions on the Penalty Review Committee, when the taxpayer proves to the commissioner's satisfaction that the failure to pay was due to reasonable cause and not intentional or due to neglect.

The act also imposes a penalty on each person, other than an e-cigarette wholesaler, that is required, on behalf of a wholesaler, to collect, truthfully account for, and pay the e-cigarette tax but willfully fails to do so or willfully attempts to evade or defeat the tax or its payment. The penalty (1) equals the total amount of tax evaded, not collected, or not accounted for and paid, including any penalty or interest attributable to the above violations, and (2) applies in addition to other penalties the law provides. The penalty may be imposed against such a person only if the tax, penalty, or interest cannot otherwise be collected from the e-cigarette wholesaler. Under the act, the dissolution of an e-cigarette wholesaler does not discharge the liability of any person liable for a (1) willful failure to collect or truthfully account for and pay e-cigarette taxes or (2) willful attempt to evade or defeat the tax prior to the dissolution.

The act additionally applies, both to wholesalers and other people required to pay the e-cigarette tax, certain collection and enforcement provisions that apply to the admissions and dues tax under existing law. Among other things, these provisions cover (1) refunds for tax overpayments, (2) hearing and appeals processes, (3) penalties for certain willful violations or fraud, and (4) issuing liens and tax warrants.

EFFECTIVE DATE: October 1, 2019, and applicable to sales occurring on or after that date.

§§ 352 & 353 — ALCOHOLIC BEVERAGES TAX

Increases the excise tax on alcoholic beverages, except beer, by 10%; reduces by 50% the tax rate on beer for off-premises consumption sold on the premises covered by a manufacturer's permit; requires sellers to pay a floor tax on alcoholic beverages, except beer, in their inventories as of the opening of business on October 1, 2019

The act generally increases the excise tax on alcoholic beverages, except for beer, by 10%. It reduces, by 50%, the tax rate on beer for off-premises consumption sold on premises covered by a manufacturer's permit. It requires sellers to pay an additional tax on the alcoholic beverages (except for beer) in their inventories as of the opening of business on October 1, 2019. Prior and new rates for the alcoholic beverages tax and the inventory tax are shown in the table below.

Prior and New Alcoholic Beverages Tax Rates

Alcoholic Beverage	Unit Taxed	Prior Rate	New Rate	Per-Unit Inventory Tax
Cider with no more than 7% alcohol (previously taxed at the same rate as beer)	Barrel (31 gallons)	\$7.20	\$7.92	\$0.72
	½ barrel	3.60	3.96	0.36
	¼ barrel	1.80	1.98	0.18
	Wine gallon or fraction under ¼ barrel	0.24	0.26	0.02
Beer sold for off-premises consumption on premises covered by a manufacturer's permit	Barrel (31 gallons)	7.20	3.60	N/A
	½ barrel	3.60	1.80	N/A
	¼ barrel	1.80	0.90	N/A
	Wine gallon or fraction under ¼ barrel	0.24	0.12	N/A

Prior and New Alcoholic Beverages Tax Rates (continued)

<i>Alcoholic Beverage</i>	<i>Unit Taxed</i>	<i>Prior Rate</i>	<i>New Rate</i>	<i>Per-Unit Inventory Tax</i>
Still wines (up to 21% alcohol by volume) and cider not taxed at the beer rate	Wine gallon	0.72	0.79	0.07
Still wines produced by small wineries producing up to 55,000 wine gallons annually (certificate required)	Wine gallon	0.18	0.20	0.02
Sparkling and fortified wines	Wine gallon	1.80	1.98	0.18
Alcohol (more than 100 proof)	Proof gallon	5.40	5.94	0.54
Liquor	Wine gallon	5.40	5.94	0.54
Liquor coolers (up to 7% alcohol by volume)	Wine gallon	2.46	2.71	0.25

The act requires sellers to file an inventory report with DRS and pay the tax due on the inventory by November 15, 2019. If a seller fails to file an inventory report and pay the tax by that date, the DRS commissioner must estimate the seller's inventory tax based on information he has or obtains. Regular provisions of the alcoholic beverages tax laws concerning failure to file returns, DRS examination of returns, deficiency assessments or assessments for failure to file a return, tax collection, penalties, and interest apply to the act's inventory tax. Under those provisions, someone who fails to pay the tax on time is subject to a penalty of 10% of the tax due with a \$50 minimum plus 1% per month interest from the tax due date to the payment date.

As under the alcoholic beverages tax law, taxpayers who willfully fail to pay the inventory tax, file returns, keep required records, or supply required information regarding the tax are subject to a fine of up to \$1,000, imprisonment for up to one year, or both, in addition to any other penalties the law imposes. Similarly, willfully delivering or disclosing to the commissioner or his authorized agent any list, return, account, statement, or other document known to be fraudulent or false is a class D felony (see [Table on Penalties](#)).

The act also makes the failure to file a report and pay the tax on time grounds for revoking any other DRS-issued license or permit the seller possesses.

The act requires the Department of Consumer Protection commissioner to cooperate with the DRS commissioner to enforce the inventory tax.

EFFECTIVE DATE: October 1, 2019; tax rate provisions are applicable to sales occurring on or after that date.

§ 354 — ADMISSIONS TAX

Reduces the admissions tax rate on certain venues in two steps: from 10% to 7.5% for sales occurring on or after July 1, 2019, and from 7.5% to 5% for sales occurring on or after July 1, 2020; reduces the admissions tax rate on events at Dunkin' Donuts Park in Hartford from 10% to 5% beginning July 1, 2019, and fully exempts such events from the tax beginning July 1, 2020

The act reduces the admissions tax rate on certain venues in two steps: from 10% to 7.5% for sales occurring on or after July 1, 2019, and from 7.5% to 5% for sales occurring on or after July 1, 2020. The lower rate applies to the following venues:

1. XL Center in Hartford;
2. Dillon Stadium in Hartford;
3. New Britain Stadium (for athletic events presented by an Atlantic League of Professional Baseball member team);
4. Webster Bank Arena in Bridgeport;
5. Harbor Yard Amphitheater in Bridgeport;
6. Dodd Stadium in Norwich;
7. Oakdale Theatre in Wallingford; and
8. Rentschler Field in East Hartford (for events other than interscholastic athletic events, which are already exempt under existing law).

The act also (1) reduces the admissions tax rate on events at Dunkin' Donuts Park in Hartford, from 10% to 5%, beginning July 1, 2019, and (2) fully exempts such events from the tax beginning July 1, 2020.

EFFECTIVE DATE: July 1, 2019, and applicable to sales made on or after July 1, 2019.

§ 355 — PLASTIC SINGLE-USE BAGS

Imposes a 10-cent fee on single-use plastic bags provided at the point of sale until June 30, 2021, and bans them beginning July 1, 2021

From August 1, 2019, to June 30, 2021, the act requires each store to charge a 10-cent fee for each single-use checkout bag provided to a customer at the point of sale. The store must indicate the number of single-use checkout bags provided and the total fee charged on the customer's transaction receipt. The fee is not subject to sales tax.

Beginning July 1, 2021, the act prohibits store owners and operators from providing or selling single-use checkout bags to customers.

EFFECTIVE DATE: August 1, 2019

Scope

The fee and ban apply to "single-use checkout bags," which are plastic bags with a thickness of less than four mils that are provided to a customer at the point of sale. The act exempts (1) bags provided for meat, seafood, loose produce, or unwrapped food items; (2) newspaper bags; and (3) laundry or dry cleaning bags.

"Store" means any entity considered a retailer for sales tax purposes that maintains a retail store in the state and sells tangible personal property directly to the public.

Fee Administration and Enforcement

Under the act, each store must report all fees it collects to the DRS commissioner with its sales tax return and remit the fees at the same time and in the same manner as is required for the sales tax. Any unpaid fees are subject to the penalties and interest that apply under existing law to unpaid sales tax (e.g., a penalty of 15% of the tax owed plus 1% interest per month).

The act allows the DRS commissioner to collect the fees, as if they were taxes due to the state, in the same manner in which he may collect other taxes, including levying warrants on the property of people who owe fees to the state. The act additionally applies to the fee certain enforcement-related provisions that apply to the sales tax under existing law, including provisions on deficiency assessments, hearings, appeals, and penalties for willful violations.

At the close of FYs 20 and 21, the act allows the state comptroller to record as revenue, for each of these fiscal years, the amount of fee revenue DRS receives from the end of the fiscal year until the fifth business day in August. It also authorizes the DRS commissioner, in consultation with the energy and environmental protection commissioner, to adopt regulations to carry out the fee-related provisions.

Municipal Ordinances

The act specifies that it does not prohibit a municipality from enacting or enforcing an ordinance on (1) plastic single-use checkout bags that is at least as restrictive as the act's provisions or (2) paper single-use checkout bags, including enabling stores to charge a fee for paper bags distributed to customers.

§ 356 — HOSPITAL PROVIDER TAX

Eliminates a scheduled reduction in the hospital tax rates on inpatient and outpatient services; among other things, requires the DSS commissioner to issue refunds if she determines for any fiscal year that the effective hospital tax rate exceeds the rate permitted under federal law

Tax Rate and Base

Existing law sets the FY 19 hospital provider tax rate for (1) inpatient hospital services at 6% of each hospital's FY 16 audited net revenue attributable to such services and (2) outpatient hospital services at a rate equal to \$900 million, minus the total tax imposed on all hospitals for providing inpatient services, divided by the total FY 16 audited net revenue attributable to outpatient services for all hospitals subject to the tax. Prior law scheduled these rates to decrease

for FY 20 and thereafter, for both inpatient and outpatient hospital services, to a rate equal to \$384 million, divided by the total FY 16 audited net revenue for all hospitals subject to the tax.

The act eliminates the scheduled rate decrease by maintaining the rates for inpatient and outpatient hospital services at FY 19 levels but requiring a base adjustment each biennium. Under the act, beginning with the FY 20-21 biennium, the fiscal year upon which the inpatient and outpatient hospital services tax is based must be the fiscal year three years prior to the first year of the biennium, rather than FY 16 (e.g., FY 17 for the FY 20-21 biennium).

Audited Net Revenue

As under existing law, the tax is based on the hospital's audited net revenue for the applicable fiscal year. The act makes conforming changes to the definitions of audited net inpatient revenue, audited net outpatient revenue, and audited net revenue to account for the required base year adjustments.

Prior law required hospitals to give the DRS commissioner any information he required in order to calculate FY 16 audited net inpatient revenue, net outpatient revenue, and net revenue for all hospitals. The act extends this requirement to FY 20 and thereafter by requiring hospitals to biennially submit the information the commissioner requires to calculate these amounts for the applicable fiscal year. They must provide the information (1) by June 30, 2019, for FY 20 and (2) by January 15 of the second year of the preceding biennium for the FY 22-23 biennium and thereafter.

As under existing law, the commissioner must request additional information he needs to fully audit each hospital's net revenue. Once he completes his examination, the commissioner must notify each hospital of its audited net inpatient revenue, net outpatient revenue, and net revenue for the applicable fiscal year.

As under existing law, hospitals that fail to provide the requested information, or fail to comply with a request for additional information, are subject to a penalty of \$1,000 per day for each day the failure continues.

Hospital Mergers, Consolidations, or Reorganizations

Under the act, if a hospital or hospitals subject to the tax merge, consolidate, or otherwise reorganize, then the surviving hospital must assume and be liable for the total tax imposed on the merging, consolidating, or reorganizing hospitals. The surviving hospital must also assume any outstanding liabilities from periods before the merger, consolidation, or reorganization.

The amount of tax due from each hospital is not recalculated if (1) a hospital ceases to operate as a hospital for any reason other than a merger, consolidation, or reorganization or (2) ceases for any reason to be subject to the hospital provider tax. Rather, the total amount of hospital provider tax to be collected under the rates described above must be reduced by the amount of the tax liability imposed on the hospital that is no longer subject to the tax.

Refunds for Exceeding Federally Permissible Tax Rate

If the Department of Social Services (DSS) commissioner determines, for any fiscal year, that the effective hospital provider tax rate for inpatient services exceeds the rate allowed under federal Medicaid law, the act requires the amount of excess tax collected to be refunded to hospitals. Each hospital's refund must be in proportion to the amount of inpatient hospital service net revenue on which it was taxed. The effective tax rate must be calculated by comparing the amount of tax hospitals paid on inpatient hospital service net revenue in a state fiscal year with the amount of net revenue received by all hospitals for such services for the same fiscal year.

Beginning by July 1, 2020, each hospital subject to the provider tax must report annually to the DSS commissioner the amount of (1) hospital provider tax it paid and (2) net revenue it received for providing inpatient hospital services in the state fiscal year beginning two years before the reporting date.

Within 90 days after receiving completed reports from all such hospitals, the DSS commissioner must notify the DRS commissioner of the amount of any refund due to each hospital in order to comply with federal law. Within 30 days after receiving this notice, the DRS commissioner must notify the comptroller of the refund amounts. The comptroller must then draw an order on the treasurer to pay each such refund. No interest may be added to the refunds.

Request for Federal Waiver to Exempt Certain Hospitals

The act moves up the date by which the DSS commissioner must next seek the Center for Medicare and Medicaid Services' approval to exempt financially distressed hospitals from the tax on outpatient hospital services. Prior law required her to first do so before January 1, 2018. The act requires her to do so again before July 1, 2019, and, as under existing law, every three years thereafter.

EFFECTIVE DATE: Upon passage

§ 357 — USER FEE ON INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF-IDS)

Increases the user fee on ICF-IDs from \$27.26 to \$27.76

For calendar quarters beginning on or after July 1, 2019, the act increases the user fee for ICF-IDs from \$27.26 to \$27.76. Each facility's total fee is the product of its total resident days during the quarter, multiplied by the user fee.

EFFECTIVE DATE: Upon passage

§§ 358 & 359 — ADVANCE DEPOSIT WAGERS AT OFF-TRACK BETTING FACILITIES

Explicitly prohibits and criminalizes unauthorized OTB wagers and advance deposit wagers in Connecticut

The act explicitly prohibits any unauthorized person or business from conducting off-track betting (OTB) or accepting OTB wagers or advance deposit wagers (i.e., an OTB wager on racing events using a telephone or other electronic means) in Connecticut. Under the act, a violation is an unfair trade practice under the Connecticut Unfair Trade Practices Act (CUTPA). The act also subjects violators to the penalties for professional gambling and transmitting gambling information, both of which are class A misdemeanors (see [Table on Penalties](#)).

The act also makes a technical change.

EFFECTIVE DATE: October 1, 2019

§ 360 — TRANSPORTATION NETWORK COMPANY (TNC) FEE

Increases the TNC fee from 25 cents to 30 cents

The act increases, from 25 cents to 30 cents, the fee that TNCs (e.g., Uber and Lyft) must pay on each ride that originates in the state.

EFFECTIVE DATE: July 1, 2019

§ 361 — MOTOR VEHICLE TRADE-IN FEE

Increases the motor vehicle trade-in fee from \$35 to \$100

The act increases the motor vehicle trade-in fee from \$35 to \$100. By law, the DMV commissioner must charge new and used car dealers this fee on each used motor vehicle they accept as a trade-in when selling a new or used vehicle. Proceeds from the fee are deposited in the General Fund.

EFFECTIVE DATE: October 1, 2019, and applicable to transactions occurring on or after that date.

§ 362 — DEBT-FREE COMMUNITY COLLEGE PROGRAM

Requires BOR to establish a program covering tuition and fees for first-time, full-time Connecticut community-technical college students

The act requires the Board of Regents for Higher Education (BOR) to establish by January 1, 2020, a debt-free community college program for certain Connecticut high school graduates who enroll as first-time, full-time regional community-technical college students. The program must provide these students with awards on a semester basis that (1) cover the unpaid portion of the tuition and required fees established by BOR (i.e., tuition and fee costs, minus scholarships; grants; and federal, state, and institutional aid awarded to the student that is not a loan) or (2) provide a minimum \$250 grant, whichever is greater.

Awards under this program apply to the first 72 credit hours earned by a student in the first 36 months of community college enrollment in a program leading to a degree or certificate. BOR must make awards to qualifying students beginning with the fall 2020 semester within available appropriations. The act prohibits BOR from using an award to supplant any financial aid otherwise available to qualifying students, including state or institutional aid.

The act establishes student eligibility requirements for the program along with program-related administrative duties and reporting requirements for BOR.
EFFECTIVE DATE: July 1, 2019

Student Eligibility Requirements

Under the act, a student must meet various requirements to be eligible to receive an award under the debt-free community college program. These requirements relate to (1) enrollment status, (2) in-state student classification, (3) academic progress during enrollment, and (4) financial need. Students must continue to meet these eligibility requirements in order to receive awards in subsequent semesters.

The act also establishes separate eligibility requirements for qualifying students who take a medical or personal leave of absence or are called to active duty in the armed forces while enrolled in a community college.

Enrollment Status. To be eligible for the program's award under the act, a student must have graduated from a public or private Connecticut high school prior to first-time enrollment at a community college in a program leading to a degree or certificate. The student may commence enrollment in fall 2020 or any semester after that and must continue as a full-time student (i.e., one who earns at least 12 credit hours in a semester). For a student with a learning disability documented by the college, the act defines "full-time enrollment" as the maximum number of credit hours feasible for the student to attempt in a semester as determined by his or her academic advisor.

Under the act, a "semester" means the fall or spring semester of an academic year and does not include the summer semester or summer session.

In-state Student Classification. Under the act, only in-state students are eligible for the program. By law, with limited exceptions, eligibility for in-state student classification is based on an applicant's domicile, which is his or her "true, fixed, and permanent home" and the place where he or she intends to remain and return to after leaving (CGS §§ 10a-28 & 10a-29).

Academic Progress. Under the act, qualifying students must make satisfactory academic progress while enrolled. (The act does not define "satisfactory academic progress," but, presumably, it refers to academic performance that allows the student to maintain enrollment in his or her degree or certificate program.)

Financial Need. The act requires eligible students to complete the Free Application for Federal Student Aid (FAFSA) and accept all available financial aid that is not in the form of a federal, state, or private student loan.

Exceptions for Medical, Personal, or Military Leave. The act allows a qualifying student who takes an administratively approved medical or personal leave to continue to qualify for the award program upon resuming full-time enrollment. The student continues to qualify if (1) he or she continues to meet the above requirements upon reenrollment (i.e., enrollment status, residency, academic, and financial) and (2) the total amount of all approved leaves of absence does not exceed six months.

Similarly, a qualifying student who is called to active duty as a member of the armed forces during any semester may continue to qualify for the award program under the act upon resuming full-time enrollment. The student must (1) continue to meet the above requirements upon reenrollment and (2) reenroll no later than four years after the date he or she is released from active duty.

Program Administration and Reporting

By January 1, 2020, the act requires BOR to adopt rules, procedures, and forms necessary to implement the program and submit a report outlining the adopted measures to the Higher Education and Employment Advancement Committee. BOR must also report to the Higher Education and Appropriations committees by March 1, 2021, and October 1, 2021, and each semester after that, about the program. These reports must include the:

1. number of qualifying students (a) enrolled during each semester, (b) receiving minimum awards, and (c) receiving awards for the unpaid portion of eligible institutional costs;
2. average number of credit hours that qualifying students (a) enrolled in each semester and (b) completed in each semester;
3. average award amount to be made to qualifying students for the unpaid portion of eligible institutional costs; and
4. completion rates of qualifying students who receive awards by degree or certificate program.

§ 363 — FAFSA MONTH

Requires BOR to implement an annual "FAFSA month" program to help high school seniors and their families complete their federal student financial aid applications

The act designates December as “FAFSA month” and requires BOR to implement an annual program by December 1, 2019, to host events for high school seniors and their families in each region of the state to provide assistance with completing their FAFSA with the goal of increasing the number of applications submitted by Connecticut residents each year. (Prospective higher education students must submit their FAFSA forms to the U.S. Department of Education in order to be considered eligible for federal student financial aid.)

EFFECTIVE DATE: July 1, 2019

§ 364 — ONLINE LOTTERY GAMING REVENUE

Requires the governor, through OPM, to (1) determine the feasibility of using revenue from new online lottery gaming to fund the debt-free community college program and (2) propose budget adjustments over the biennium for the program if online lottery games are not feasible; requires such budget adjustments to provide at least \$1 million for state, municipal, and regional collaboration initiatives

The act requires the governor, through the Office of Policy and Management (OPM) secretary, to consult with the Connecticut Lottery Corporation, attorney general, and consumer protection commissioner on the feasibility of allowing the lottery to offer its existing lottery draw games online through the lottery’s website, online service, or mobile application. The governor must determine whether (1) the online offering is feasible and (2) the revenue from it is sufficient to offset the costs of the debt-free community college program. Under the act, the OPM secretary must submit a report to the General Assembly by February 5, 2020, about the feasibility of this offering. If the governor finds that it is not feasible, the act requires him to propose budget adjustments, including any revenue source or spending reduction, for the biennium ending FY 21 to: (1) account for the costs of the debt-free community college program and (2) provide at least \$1 million to support the recommended state, municipal, and regional collaboration initiatives in this act (see § 366 below).

EFFECTIVE DATE: July 1, 2019

§§ 365 & 366 — REGIONALIZATION

Establishes a (1) task force to study ways to encourage the regionalization of municipal functions, activities, and services and (2) regionalization subaccount to support its recommendations

Regionalization Task Force (§ 366)

The act establishes a 32-member task force to study ways to encourage greater and improved collaboration among the state and municipal governments and regional bodies. Any initiative that the task force recommends must be optional for municipalities.

Membership. Under the act, the task force consists of the:

1. Office of Policy and Management (OPM) secretary, or her designee;
2. chairpersons and ranking members of the Planning and Development and Finance, Revenue and Bonding committees, or their designees; and
3. Connecticut Advisory Commission on Intergovernmental Relations members.

The Connecticut Advisory Commission consists of 16 appointed members with relevant experience and the following officials, or their designees: the OPM secretary; the Senate president pro tempore and minority leader; House speaker and minority leader; and the commissioners of education, energy and environmental protection, and economic and community development.

The act requires administrative staff of the Finance, Revenue and Bonding committee to serve as administrative staff for the task force. OPM must provide additional support as necessary.

Areas of Study and Reporting. At a minimum, the task force’s study must include the following:

1. an examination of the functions, activities, or services that municipalities currently perform individually but that OPM might perform more efficiently on behalf of those willing to opt in or opt out of accepting such performance on their behalf;
2. an examination of the functions, activities, or services currently performed by the state or municipalities that may be provided in a more efficient, high-quality, cost-effective, or responsive manner by regional councils of governments (COGs), regional educational service centers (RESCs), or other similar regional bodies that are responsive to residents;

3. cost savings of government services, including joint purchasing, for municipalities and their respective local or regional school districts;
4. cost savings through the sharing of government services, including joint purchasing, among municipalities;
5. standardization and alignment of various state regions;
6. analyses of any other initiatives that may facilitate service delivery in a more efficient, high-quality, cost-effective, or responsive manner; and
7. any recommendation for dividing the revenue in the regional planning incentive account's regionalization subaccount (described below) between OPM, COGs, RESCs, or similar regional bodies for purposes of regionalizing services.

By February 5, 2020, the task force must submit a report with its findings and any legislative recommendations to the Planning and Development and Finance, Revenue and Bonding committees. The task force terminates when it submits the report or on February 5, 2020, whichever is later.

Implementing the Task Force's Recommendations (§ 366)

Beginning July 1, 2020, the act requires the OPM secretary to begin offering regional functions, activities, or services as recommended by the task force. The secretary must establish requirements for the (1) procedures and guidelines for performing regional functions, activities, or services; (2) grant amounts; and (3) application submission deadlines and grant recipient selection.

The secretary may establish fees to charge municipalities that opt to participate in any regional functions, activities, or services that the agency performs on their behalf. Similarly, any COG, RESC, or other body offering regional functions, activities, or services, may also establish fees.

Regionalization Subaccount (§ 365)

The act establishes a regionalization subaccount in the General Fund's regional planning incentive account. Subaccount funds must be spent only on recommendations from the regionalization task force.

Under the act, the subaccount is funded by revenue that the Connecticut Lottery Corporation (CLC) makes by offering its existing lottery draw games online, in excess of the amount equal to the debt-free college program (see § 362). If CLC does not offer an online lottery program, the governor must propose adjustments to the FY 20-21 budget to provide at least \$1 million to support the task force's recommended regionalism initiatives, including any revenue source or spending reduction equal to the initiatives' costs.

EFFECTIVE DATE: Upon passage

§ 367 — MUNICIPAL FISCAL CAPACITY

Requires the OPM secretary to (1) analyze and compare the calculations derived from municipalities' wealth index and revenue generating capacity, (2) analyze which one most accurately measures their fiscal capacity, and (3) report to the legislature

The act requires the OPM secretary to analyze and compare the calculations derived from the public investment communities (PIC) eligibility index and the representative tax system methodology used by the New England Public Policy Center in its Research Report 15-1 (May 2015).

By February 5, 2020, the secretary must report to the Planning and Development and Finance, Revenue and Bonding committees with (1) a recommendation on which calculations are more relevant and useful for determining an accurate measure of a municipality's fiscal capacity and (2) an outline of each methodology's respective merits. The recommendation must include necessary legislative changes and an estimate of the appropriations necessary for implementation.

EFFECTIVE DATE: Upon passage

Background

By law, the PIC index measures a municipality's wealth using its (1) per capita income, (2) adjusted equalized net grand list per capita, (3) equalized mill rate, (4) per capita temporary family assistance, and (5) unemployment rate (CGS § 7-545(a)(8)).

In its May 2015 report, the New England Public Policy Center (which is part of the Federal Reserve Bank of Boston)

measured local revenue capacity using the representative tax system approach. This approach calculates how much revenue each municipality could raise from its underlying tax base if all municipalities used the same standard tax rate. The report computed capacity by applying a standard tax rate to the value of taxable real and personal property in each municipality, captured by the equalized net grand list (ENGL). The standard tax rate is the rate that would need to be applied to a statewide ENGL in order to raise revenues exactly equal to statewide non-school spending.

§ 368 — FEE STUDY

Requires OPM to study state fees and report at least \$50 million in recommended increases by February 5, 2020

The act requires the OPM secretary to review the existing fees collected by each department and report recommendations for fee increases to the Finance, Revenue and Bonding Committee by February 5, 2020. The total amount of the fee increases must be at least \$50 million.

EFFECTIVE DATE: Upon passage

§ 369 — BANKING FUND TRANSFER

Transfers \$5.2 million from the Banking Fund to the General Fund for each year of FYs 20 and 21

The act requires the comptroller to transfer \$5.2 million from the Banking Fund to the General Fund for each year of FYs 20 and 21.

EFFECTIVE DATE: July 1, 2019

§ 371 — TRANSFER OF STF RESOURCES FROM FY 20 TO FY 21

Transfers \$30 million in STF resources from FY 20 to FY 21

By June 30, 2020, the act requires the comptroller to transfer \$30 million of FY 20 STF resources to be accounted for as FY 21 STF revenue.

EFFECTIVE DATE: July 1, 2019

§ 372 — TRANSFER OF FY 20 GENERAL FUND REVENUE TO FY 21

Transfers \$85 million in FY 20 General Fund revenue to FY 21

By June 30, 2020, the act requires the comptroller to designate \$85 million of FY 20 General Fund resources to be accounted for as FY 21 General Fund revenue.

EFFECTIVE DATE: July 1, 2019

§ 373 — TRANSFER FROM GENERAL FUND TO FAMILY AND MEDICAL LEAVE INSURANCE TRUST FUND

Transfers \$5.1 million from the General Fund to the Family and Medical Leave Insurance Trust Fund for FY 20

For FY 20, the act requires the comptroller to transfer \$5.1 million from the General Fund to the Family and Medical Leave Insurance Trust Fund.

EFFECTIVE DATE: Upon passage

§ 374 — GAAP DEFICIT

Deems that \$1 is appropriated in FY 21 to pay off the state's GAAP deficit for FYs 13 and 14

The act deems that \$1 is appropriated in FY 21 to pay off the General Fund's unassigned negative balances (i.e., Generally Accepted Accounting Principles (GAAP) deficits) for FYs 13 and 14, which reflect the negative balances that accumulated before the state adopted GAAP in FY 14.

By law, the OPM secretary must annually publish recommended schedules to fully amortize the deficits by FY 28.

EFFECTIVE DATE: Upon passage

§ 375 — SPECIAL TAX OBLIGATION BOND ISSUANCE CAP

Eliminates the cap on the amount of STO bonds the treasurer may issue in FYs 19 and 20

The act eliminates the limitation on the amount of special tax obligation (STO) bonds the treasurer may issue in FYs 19 and 20 for transportation projects. Prior law limited such bond issuances to \$750 million in each of these fiscal years.

EFFECTIVE DATE: July 1, 2019

§§ 376 & 397 — 7/7 PROGRAM REPEAL

Repeals the 7/7 program

The act repeals the 7/7 program, which under prior law authorized a package of state and local tax incentives for eligible property owners after they remediate, redevelop, and use formerly contaminated, abandoned, or underutilized properties. The incentives were available in two seven-year stages, with the second stage available only to owners of contaminated and remediated properties.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2019.

§§ 377-383 — NONSTATE PUBLIC EMPLOYER HEALTH CARE PLANS

Allows the comptroller to offer other types of health care plans to nonstate public employers in addition to or instead of the state employee health plan, including other group hospitalization, medical, pharmacy, or other surgical insurance plans the comptroller develops; adds requirements related to such health plans and their premiums; and creates two reporting requirements for nonstate public employers and the comptroller, respectively

Prior law required the comptroller to offer coverage under the state employee health insurance plan to nonstate public employers for their employees and retirees, if applicable. The act allows the comptroller to offer other types of health care plans to nonstate public employers in addition to or instead of coverage under the state employee health insurance plan. These additional plans include group hospitalization, medical, pharmacy, or other surgical insurance plans the comptroller develops. The act's provisions do not require a nonstate public employer enrolled in the state employee plan to enroll in another plan the comptroller develops under the act.

By law, a "nonstate public employer" is a municipality or other state political subdivision, including a board of education, quasi-public agency, or public library. A municipality and a board of education may be considered separate employers. "Nonstate public employees" are employees and elected officers of a nonstate public employer.

Plan Requirements (§§ 378 & 381)

The act allows the comptroller to offer plans other than those offered to state employees on July 1, 2019. But it prohibits him from offering high deductible plans designed to be compatible with federally qualified medical or health savings accounts.

Any health care plan the comptroller develops for nonstate public employees must:

1. include the health enhancement program established in accordance with the 2011 revised State Employees Bargaining Agent Coalition (SEBAC) agreement for state employees;
2. be consistent with "value-based insurance design" principals, which, under the act, are health benefit designs that lower or remove financial barriers to essential, high-value clinical services; and
3. be approved by the Health Care Cost Containment Committee (HCCCC) before being offered to nonstate public employers.

The act requires the comptroller, before HCCCC approves the plan and annually thereafter, to:

1. have the premium payments associated with the plans reviewed by an independent actuarial firm to determine the premiums' adequacy relative to experience and total costs and
2. report on the review to HCCCC, OPM, and the Appropriations Committee.

Plan Premiums and Refunds (§§ 378 & 380)

The act requires the comptroller to adjust premiums paid by nonstate public employers who enroll in coverage on and after July 1, 2019, to reflect (1) the cost of health care in the county in which the majority of such employer's employees

work and (2) differences from the benefits and networks provided to state employees. Adjustments otherwise required under existing law also apply. Under the act, the comptroller must phase-in the premium adjustment for health care costs in the county during the two-year period beginning July 1, 2020. But neither year's adjustment can exceed one-half of the total adjustment (i.e., it generally requires half the adjustment in the first year and the other half in the second).

The act eliminates a requirement that the comptroller develop procedures to refund nonstate public employers' premium payments made in excess of incurred claims if they withdraw from the plan before the expiration date of their current coverage. This applies to nonstate employer coverage under both the state employee plan and comptroller-developed plans.

Prior law established a separate, nonlapsing state employee plan premium account in the General Fund and required the comptroller to (1) deposit the premiums collected from nonstate public employers and employees into this account and (2) administer the account to pay claims and administrative fees to entities providing coverage or services under the state employee health insurance plan.

The act eliminates the account and instead requires the comptroller to establish accounting procedures to track claims and premiums paid by nonstate public employers.

Other Provisions (§ 378)

The act extends to the comptroller-developed plans several provisions that existing law applies to the comptroller-provided coverage for nonstate public employers under the state employee plan. These provisions include:

1. requiring the comptroller to develop application, renewal, and withdrawal procedures;
2. prohibiting nonstate public employees from enrolling in the plans if they are covered through a nonstate public employer's health plan or insurance arrangements issued under a trust established for a collective bargaining agreement;
3. requiring initial and continuing participation in such plans to be a mandatory subject of collective bargaining and subject to binding interest arbitration as applicable; and
4. authorizing licensed insurers to conduct business with the plans.

Nonstate Public Employer Report (§§ 377 & 382)

The act requires each nonstate public employer to annually report to the comptroller, OPM, and the Office of Fiscal Analysis in a form and manner that the comptroller prescribes. The first report is due October 1, 2019. The report must contain the following:

1. the total number of employees covered under an employer-sponsored health care plan;
2. the number of participants in such plans, including employee dependents;
3. the health care coverage type selected by each covered employee;
4. the total premium for each coverage type, including employee and employer shares and medical and pharmacy coverage;
5. the amount of employer contributions to health savings or health reimbursement accounts;
6. a summary of benefits and coverage for each health care plan offered by the employer and the number of employees enrolled in each plan; and
7. information about retirement plans and benefits offered or provided by the employer and the employer's total costs for the preceding year associated with providing such plans and benefits.

Under the act, "health care coverage type" means the type of health care coverage offered by nonstate public employers, including coverage for an employee, employee and spouse, and employee and family.

Comptroller's Report (§ 383)

The act requires the comptroller to report, by January 1, 2021, and annually thereafter, to the HCCCC, OPM, and the Appropriations Committee on municipal group hospitalization, medical, pharmacy, and surgical insurance plans developed by the comptroller. The report must include:

1. the total number of contracts and members,
2. total plan costs and premium payments and other revenues associated with the plans, and
3. the corresponding profit loss ratio for the previous calendar year.

The report must also (1) distinguish between municipal health care plans and the state employee plan and (2) demonstrate cost neutrality by individual municipal insurance plan and in total across all municipal insurance plans.

Under the act, if the profit loss ratio demonstrates inadequate premium payments, the report must include a plan to ensure the fiscal adequacy of the premium rate structure for individual municipal insurance plans and the associated benefit design to eliminate any prior year financial loss and prevent financial loss in the upcoming plan year.

EFFECTIVE DATE: July 1, 2019, except the study provisions are effective upon passage.

§ 384 — FIRST FIVE PLUS PROGRAM ASSISTANCE

Extends for four years (FYs 21 through 24) the time during which assistance provided under the First Five Plus program, through an agreement originally executed on December 22, 2011, is exempt from various statutory requirements

The act extends for four years (FYs 21 through 24) the time during which certain assistance provided under the First Five Plus program is exempt from various statutory requirements. Specifically, the extension applies to (1) any assistance agreement originally executed on December 22, 2011, and (2) exemptions from the following statutory requirements:

1. limits associated with Manufacturing Assistance Act program funds (e.g., up to 90% of total project costs in municipalities with enterprise zones and generally up to 50% in the other municipalities);
2. thresholds requiring legislative approval for certain financial assistance or urban and industrial sites reinvestment tax credits for large-scale economic development projects; and
3. limits on the amount of credits taxpayers may, at the Department of Economic and Community Development (DECD) commissioner's discretion, claim against the insurance premiums tax.

Under existing law, these exemptions for other First Five Plus assistance agreements expire in FY 20.

By law, the First Five Plus program sunsetted on June 30, 2019. Under the program, DECD could fund up to 20 business development projects. The program combined financial assistance and tax incentives under existing programs for eligible projects that create jobs and make capital investments within the law's timeframes.

EFFECTIVE DATE: Upon passage

§ 385 — PAYROLL TAX INFORMATION RETURN AND ANALYSIS

Requires DRS to collect data needed to evaluate the implementation of an employer payroll tax; establishes a payroll commission to (1) hold informational forums on the tax, (2) analyze the data DRS collects, and (3) report its findings, recommendations, and estimates to the legislature

Information Return Form

The act requires DRS to collect data needed to evaluate the implementation of an employer payroll tax beginning January 1, 2021. Under the act, DRS must develop and produce an information return form and, by August 15, 2019, mail the form to employers, excluding the federal government, state, municipalities, local or regional boards of education, tribal nations, and self-employed individuals. DRS must send the form electronically or by first class mail. Employers must return it by October 1, 2019.

Payroll Commission Analysis

The act (1) establishes a payroll commission composed of the DRS commissioner, OPM secretary, and Finance, Revenue and Bonding Committee chairpersons and ranking members and (2) requires the commission to analyze the data DRS collects from the information return forms. The Finance, Revenue and Bonding Committee's administrative staff must serve as the commission's staff; DRS and OPM must provide additional support as necessary. The commission may also consult with and solicit advice from tax experts and business leaders.

The act explicitly authorizes the DRS commissioner to disclose the data collected from the information return forms to the commission's members and staff, and DRS or OPM staff supporting the commission, but prohibits the members (other than the commissioner) and staff from disclosing any return or return information that they are not otherwise authorized to disclose under state law. The law establishes narrow conditions under which return information may be disclosed and sets penalties for unauthorized disclosures (a fine of up to \$1,000, up to one year in prison, or both (CGS § 12-15(g))).

The act also requires the commission to (1) hold information forums to educate its members and the public about the payroll tax proposal; (2) request and receive comments, written testimony, and information from the public; and (3) consider such comments and testimony in its analysis.

Wage Base Assumptions and Other Recommendations. The commission must analyze the data collected from the information return forms to establish the wage base on which to impose a payroll tax. It must use the wage base it establishes for any of the estimates or calculations described below that require a wage base.

The analysis must also (1) give an opinion on whether the tax may be imposed on the federal government or on tribal nations for wages paid to Connecticut employees and (2) recommend whether the tax should be levied on the state, municipalities, local or regional boards of education, or certain federally tax-exempt organizations for wages paid to Connecticut employees.

The analysis must also recommend how to treat minimum wage employers and employees under a payroll tax by examining the costs and impacts of the following:

1. redefining “minimum fair wage” to include the portion of the payroll tax imposed on the employer that is attributed to an employee’s wages,
2. exempting wages of less than a threshold amount (the commission must specify a recommended threshold for this option),
3. providing a credit to employers for the amount of payroll tax paid on behalf of minimum wage employees,
4. leaving the minimum wage unadjusted, or
5. any other option the commission deems reasonable.

Tax Credit for Low-Income Taxpayers. Based on the above wage base assumptions and other recommendations, and various other estimates described below, the commission must recommend a tax credit for low-income taxpayers that results in the net income of all taxpayers being equal to or greater than the projected net income of all personal income taxpayers under the current state personal income tax.

The credit must be (1) refundable, (2) structured in a way that does not result in taxpayers with greater adjusted gross incomes (AGI) having a lower net income than those with lower AGIs, and (3) structured to minimize the revenue decrease. It may also do the following:

1. cap or limit total income or unearned income,
2. be phased out,
3. depend on the payroll tax paid on an employee’s wages, or
4. have eligibility requirements (e.g., filing status).

The commission must specify the threshold used for determining a low-income taxpayer and any limits or requirements it deems desirable or necessary to achieve the credit’s purposes.

Revenue Estimates. Based on its wage base assumptions and other recommendations, the commission must estimate the total revenue an employer payroll tax would generate. In doing so, it must provide separate estimates based on the assumption that (1) a 5% payroll tax is imposed beginning January 1, 2021, and (2) a payroll tax is phased in over three years at the rate of 1.5% in year one, 3% in year two, and 5% in year three. For the phase-in estimate, the commission must assume the reductions in income tax rates (described below) are phased in proportionately.

The commission must also estimate the total revenue decrease as a result of reducing personal income tax rates as shown in the table below. In calculating this estimate, it must assume that the current income tax rates continue to apply to nonwage income.

Assumed Income Tax Rate Reductions

Current Rate (%)	New Rate (%)
3.0	0.0
5.0	0.0
5.5	0.5
6.0	1.0
6.5	2.5
6.9	2.9
6.99	2.99

It must also estimate the (1) total personal income tax revenue generated from individuals who work in other states and apply a credit against the tax (presumably, the credit for taxes paid to other jurisdictions) and (2) revenue from such individuals under the reduced income tax rates.

Federal Government and Tribal Nation Employees. Assuming that the state cannot levy a payroll tax on federal or tribal nation employees in Connecticut, the commission must calculate the decrease in state personal income tax liability

for such employees that would result from the reduced income tax rates shown above.

Federal Income, Social Security, and Medicare Taxes. Based on (1) its wage base assumptions and other recommendations and (2) the assumption that employers will reduce or forego wage increases in response to a payroll tax, the commission must provide estimates of the decreased federal income, Social Security, and Medicare taxes that employees would pay. It must provide the estimates by income decile and tax type, for both of the payroll tax rate options described above. It must also specify the number or percentage of employees it assumed for these purposes.

Income and Payroll Tax Estimates by Income Decile. Based on its wage base assumptions and other recommendations and the income tax rate reductions described above, the commission must estimate the annual total state income and payroll tax that would be paid by, or on behalf of, an employee for each income decile. It must do so for both of the payroll tax rate options.

For each income decile, the commission must compare the estimated amounts with the amount of state income tax that would be paid by an employee who receives a wage increase equal to the increase in average hourly earnings of all private employees, as reported by the U.S. Department of Labor's Bureau of Labor Statistics in its most recent year-over-year reporting.

Estimated Property Tax Deductions Against the Federal Income Tax. Based on its wage base assumptions and other recommendations and the income tax rate reductions described above, the commission must estimate the total additional amount of property tax deductions that taxpayers may claim under an itemized federal tax return as a result of the income tax rate reductions. In doing so, the commission must exclude any other applicable deduction that taxpayers can claim.

Technological Capabilities. The commission must examine DRS's computer and other technological capabilities to implement a payroll tax.

Report

By January 15, 2020, the commission must report to the Finance, Revenue and Bonding Committee its recommendations, findings, and estimates, including any not required by the act it deems appropriate and desirable to accomplish the act's goals.

The report must also include:

1. withholding schedules the commission develops for both of the payroll tax options based on its wage base analysis and the proposed income tax rate reductions and
2. ways to publicize and educate taxpayers about the payroll tax proposals, including recommendations for funding to support such efforts.

The commission terminates on the later of the date it submits the report or January 15, 2020.

EFFECTIVE DATE: Upon passage

§§ 386-395 — REVENUE ESTIMATES

Adopts revenue estimates for FYs 20 and 21 for appropriated state funds

The act adopts revenue estimates for FYs 20 and 21 for appropriated state funds, as shown in the table below.

Revenue Estimates for FYs 20 and 21

<i>Fund</i>	<i>FY 20</i>	<i>FY 21</i>
General Fund	\$19,460,200,000	\$20,148,200,000
Special Transportation Fund	1,723,400,000	1,831,300,000
Mashantucket Pequot and Mohegan Fund	51,500,000	51,500,000
Regional Market Operation Fund	1,100,000	1,100,000
Banking Fund	28,800,000	28,800,000
Insurance Fund	105,800,000	114,700,000
Consumer Counsel and Public Utility Control Fund	27,500,000	28,500,000
Workers' Compensation Fund	28,100,000	28,700,000
Criminal Injuries Compensation	3,000,000	3,000,000
Tourism Fund	13,700,000	14,200,000

EFFECTIVE DATE: July 1, 2019

§ 396 — PASSPORT TO THE PARKS ACCOUNT TRANSFERS REPEALED

Repeals a transfer of funds from the account for specified environmental purposes

The act repeals a provision that, for FYs 18 and 19, makes available from the Passport to the Parks account (1) \$400,000 for soil and water conservation districts and (2) \$253,000 for environmental review teams.

EFFECTIVE DATE: Upon passage

§ 397 — STEM GRADUATE TAX CREDIT REPEAL

Repeals the STEM graduate tax credit program

The act repeals the refundable personal income tax credit for college graduates in science, technology, engineering, or math (STEM) fields. Under prior law, the annual credit amount was \$500, which qualifying graduates could claim in each of the five successive tax years after they graduate beginning with the 2019 tax year.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2019.

§ 399 — DEFICIENCY HEARINGS

Eliminates the requirement that the Appropriations Committee hold a public hearing on, and meet with, any state agency that has a potential deficiency

Existing law requires the OPM secretary, by the 25th of every month, to submit a list of appropriated accounts in which there is a potential deficiency, along with an explanation for each one. The secretary must submit the list and the explanations to the governor, comptroller, and, through OFA, to the Appropriations Committee.

The act eliminates the requirement that the Appropriations Committee hold a public hearing on, and meet with, any state agency that has a potential deficiency included on the secretary's list, by November 15 each year.

EFFECTIVE DATE: October 1, 2019

§ 400 — SALES AND USE TAX IMPOSED ON SAFETY APPAREL

Eliminates the sales and use tax exemption for safety apparel

The act eliminates the sales and use tax exemption for "safety apparel," which prior law defined as clothing and protective equipment worn by employees at work.

EFFECTIVE DATE: January 1, 2020

PA 19-115—sSB 827

Aging Committee

AN ACT CONCERNING ALZHEIMER'S DISEASE AND DEMENTIA TRAINING AND BEST PRACTICES

SUMMARY: This act modifies continuing education requirements for physicians and advanced practice registered nurses (APRNs). Prior law allowed physicians, and required APRNs, to complete at least two contact hours of training or education during the first license renewal period in which continuing education is required, and at least once every six years thereafter, on mental health conditions common to veterans and their family members.

Starting January 1, 2020, the act retains this continuing education requirement for APRNs but allows physicians to instead complete at least two contact hours of training or education in the following:

1. diagnosing and treating cognitive conditions, including Alzheimer's disease, dementia, delirium, related cognitive impairments, and geriatric depression, or
2. diagnosing and treating any mental health conditions, instead of only those common to veterans and their family members.

It also allows, but does not require, APRNs to complete on the same schedule at least two contact hours of training or education on diagnosing and treating cognitive and mental conditions, including those listed above. By law, physicians and APRNs generally must complete 50 contact hours of continuing education every two years, starting with their second license renewal.

Additionally, the act requires the executive director of the Commission on Women, Children, and Seniors (CWCS) to establish a nine-member working group on Alzheimer's disease and dementia. The working group must report its findings and recommendations to the Aging Committee by January 30, 2020, and terminates on the date it submits its report, or December 1, 2020, whichever is later. (PA 19-117, §§ 105-143 & 398, merges CWCS and the Commission on Equity and Opportunity into a new entity, the Commission on Women, Children, Seniors, Equity and Opportunity.)

EFFECTIVE DATE: January 1, 2020, except the working group provisions are effective upon passage.

WORKING GROUP ON ALZHEIMER'S DISEASE AND DEMENTIA

Duties

The act requires the working group to (1) review the recommendations of the Task Force on Alzheimer's Disease and Dementia established by SA 13-11, (2) determine gaps in implementing these recommendations, and (3) make recommendations on best practices for Alzheimer's disease and dementia care.

SA 13-11 created the 23-member task force to analyze and make recommendations on Alzheimer's disease and dementia, including (1) service provision, (2) legislative policy changes, (3) state and private agency coordination, and (4) placement of individuals with these conditions in health care facilities and community settings. The task force reported its findings and recommendations to the legislature in 2014.

Membership

Under the act, the working group consists of the following members:

1. the CWCS executive director, Department of Rehabilitative Services (DORS) commissioner (PA 19-157 renames DORS as the "Department on Aging and Disability Services"), and long-term care ombudsman, or their designees;
2. the executive directors of the Connecticut chapter of the Alzheimer's Association and the Connecticut chapter of the American Association of Retired Persons, or their designees; and
3. four members appointed by the CWCS executive director:
 - (a) one family representative each of a person with Alzheimer's disease and a person with dementia,
 - (b) one person diagnosed with Alzheimer's disease or dementia, and
 - (c) one health care professional with expertise in diagnosing and treating Alzheimer's disease and dementia.

The act requires the CWCS executive director or his designee to serve as the working group's chairperson. The executive director must make appointments and convene the group by July 31, 2019, and fill any vacancy. The commission's administrative staff must serve as the working group's administrative staff.

PA 19-116—sSB 832*Aging Committee***AN ACT CONCERNING REGISTRIES OF PERSONS FOUND RESPONSIBLE FOR ASSAULTS OR OTHER ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS OR PERSONS WITH DISABILITIES**

SUMMARY: By law, the Department of Public Health (DPH) administers a background check program for direct care employees and volunteers of long-term care facilities (i.e., the Long-Term Care Background Check Program). This act expands the list of disqualifying offenses that prohibit someone from being hired as a direct care employee or volunteer at a long-term care facility to include conviction of specified assault and abuse crimes against the elderly, those who are pregnant, and individuals with disabilities.

The act also requires the executive director of the Commission on Women, Children, and Seniors to (1) provide a portal on the commission's website with links to publicly available background databases and (2) convene a working group to develop strategies to raise public awareness of these databases among people hiring providers to care for adults aged 60 and older, children, or individuals with disabilities. (PA 19-117, §§ 105-143 & 398, merges the commission and the Commission on Equity and Opportunity into a new entity, the Commission on Women, Children, Seniors, Equity and Opportunity.)

Under the act, the executive director must (1) keep records on the number of times the portal is used and (2) report on its use to the Aging, Children's, Human Services, and Public Health committees by January 1, 2021.

EFFECTIVE DATE: October 1, 2019

DPH LONG-TERM CARE BACKGROUND CHECK PROGRAM

The act expands the list of disqualifying offenses under DPH's Long-Term Care Background Check Program that generally prohibit someone from being hired as a direct care employee or volunteer at a long-term care facility to include conviction of the following crimes:

1. 1st degree, 2nd degree, or 3rd degree assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability;
2. 2nd degree assault with a firearm of an elderly, blind, disabled, or pregnant person or a person with intellectual disability; or
3. 1st degree, 2nd degree, or 3rd degree abuse of an elderly, blind, or disabled person or a person with intellectual disability.

Existing law also includes as a disqualifying offense (1) a state or federal agency's substantiated finding of neglect, abuse, or misappropriation of property under an investigation conducted in accordance with federal Medicare and Medicaid laws or (2) conviction for other specified state or federal crimes, such as felonies related to health care fraud or controlled substances. DPH may grant a waiver, depending on the circumstances.

PUBLICLY AVAILABLE BACKGROUND DATABASES

Under the act, "publicly available background databases" include the:

1. U.S. Department of Justice's sex offender public website,
2. Connecticut sex offender registry,
3. U.S. Department of Health and Human Services Office of the Inspector General's list of individuals and entities excluded from participating in federally funded health care programs for reasons such as Medicare or Medicaid fraud,
4. DPH's nurse's aide registry,
5. Judicial Branch's criminal and motor vehicle conviction database,
6. DPH's professional licensure verification database, and
7. Department of Social Services' (DSS) database of practitioners and entities suspended or excluded from participating in DSS-administered programs.

PA 19-86—SB 72

Banking Committee

Finance, Revenue and Bonding Committee

AN ACT ESTABLISHING A TAX CREDIT FOR EMPLOYERS THAT MAKE PAYMENTS ON CERTAIN LOANS ISSUED TO EMPLOYEES BY THE CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY

SUMMARY: This act establishes a state corporation business and insurance premium tax credit for an employer that makes eligible education loan payments on a qualified employee's behalf. The credit, which starts with the January 1, 2022, income year, equals 50% of the payments an employer makes on the outstanding principal balance of an eligible employee's education loan, up to a maximum credit of \$2,625 per employee per income year. If a company is subject to both the corporation business and insurance premium taxes, it may apply a credit earned from a single loan payment towards only one of them.

Eligible loans are those issued by the Connecticut Higher Education Supplemental Loan Authority (CHESLA) to refinance student loans. Qualified employees are Connecticut residents who (1) earned their first bachelor's degree within the last five years and (2) are working full time (at least 35 hours per week) at a corporation, insurer, or health care center that is licensed in Connecticut and subject to the applicable tax. However, a qualified employee cannot be an owner, member, partner, or family member of an otherwise qualified employer.

(By limiting eligibility to those employees who graduated within the last five years, the act allows employers to claim the tax credit for a maximum of five income years per employee.)

The act allows an employer to claim the credit for any payment made during the income year the employee worked and lived in the state, and deems that an employee who works and lives in Connecticut for any part of the month did so for the entire month for credit purposes.

To claim the credit, the employer must submit any documentation required by the revenue services commissioner in a form and manner he prescribes.

EFFECTIVE DATE: January 1, 2022, and applicable to income years commencing on or after that date.

PA 19-145—HB 6996

Banking Committee

Appropriations Committee

AN ACT EXTENDING THE EZEQUIEL SANTIAGO FORECLOSURE MEDIATION PROGRAM UNTIL JUNE 30, 2023

SUMMARY: This act (1) extends the state's foreclosure mediation program for four years, until June 30, 2023, after which the court may not accept new mediation requests and (2) designates the program the "Ezequiel Santiago Foreclosure Mediation Program." By law, the program terminates when the mediation of all timely submitted requests concludes.

The act also extends the reporting requirement of program data, but on a reduced schedule (§ 6). Prior law required the chief court administrator to annually report to the Banking Committee, until March 1, 2019, a summary report of the mediation program, including program data. Under the act's program extension, the same report must instead be submitted on a biennial basis, by March 1, 2021, and March 1, 2023, respectively.

The state's foreclosure mediation program is available to (1) owner-occupants of a one- to four-family residential real property who use it as their primary residence and (2) religious organizations. The property must be located in Connecticut, and the owner-occupant must be either the borrower under a mortgage on the property or a permitted successor-in-interest (i.e., someone who, among other things, has title to the property due to certain events such as divorce or the borrower's death).

The mediation program brings together judicial branch mediators; lenders; and borrowers or owner-occupants, as applicable. If an eligible borrower or owner-occupant files an appearance and requests mediation, the lender must participate.

EFFECTIVE DATE: Upon passage

PA 19-21—sSB 1026

Commerce Committee

AN ACT CONCERNING A MARKETING PLAN TO PROMOTE THE BIOSCIENCE INDUSTRY IN THE STATE

SUMMARY: This act requires Connecticut Innovations (CI), in consultation with a bioscience trade group, to contract with an advertising agency by February 1, 2020, to create a marketing plan, social media campaign, and dedicated website promoting Connecticut as a bioscience hub. CI must report to the Commerce Committee on the results of the marketing plan, campaign, and website by January 1, 2021.

EFFECTIVE DATE: July 1, 2019

PA 19-22—SB 1028

Commerce Committee

AN ACT CONCERNING CONNECTICUT INNOVATIONS, INCORPORATED AND PRIVATE EQUITY INVESTMENT

SUMMARY: This act makes Connecticut Innovations (CI) the successor agency of the Connecticut Brownfields Redevelopment Authority (CBRA), assuming all of CBRA's powers, rights, interests, and obligations (see BACKGROUND). It deems CBRA, which was previously a subsidiary of CI, dissolved without needing any notice or filing, consent of any third party, instrument of assignment or assumption, or any other action. It makes various conforming changes related to dissolving CBRA.

The act also changes certain requirements in CI's investment policies for equity investment funds and funds of funds (i.e., pooled investment funds that invest in other types of funds), including requiring that the fund manager for any such investment have a Connecticut office.

EFFECTIVE DATE: Upon passage

CI INVESTMENTS

The law allows CI to invest in private equity investment funds, or funds of funds, and enter into related limited partnership agreements or other contractual arrangements regarding these funds. The funds may be organized and managed, and invest in businesses located, within or outside Connecticut, but their investment objectives and criteria must be consistent with policies adopted by the CI board of directors. The act (1) requires that these policies include a requirement that the fund manager have or establish a Connecticut office and (2) specifies that the policies also cover the funds' characteristics.

The act also modifies the requirements for the funds' use of CI's investment. Under prior law, the policies adopted by CI's board had to require that at least the amount invested by CI, net of reasonable management fees and closing costs, be invested to support (1) the growth of business operations of companies in the state's technology, bioscience, or precision manufacturing sectors or (2) relocating these companies to Connecticut.

Under the act, the policies must instead require that the fund manager agree to make diligent and good faith efforts to source deals and make investments, for the above purposes, in an amount at least equal to the amount CI invested and not otherwise returned, net of customary fees, expenses, and closing costs borne ratably by fund investors.

BACKGROUND

CBRA was a quasi-public, wholly-owned subsidiary of the Connecticut Development Authority (CDA) until 2012, when CDA was merged into CI (PA 12-1, June Special Session). The law required CBRA to remediate and develop contaminated properties and give technical and financial assistance to towns and other entities doing so.

PA 19-54—SB 570*Commerce Committee**Finance, Revenue and Bonding Committee***AN ACT CONCERNING OPPORTUNITY ZONES**

SUMMARY: This act makes various changes concerning the promotion and development of the state's federally designated opportunity zones (see BACKGROUND), including the following:

1. requires the Department of Economic and Community Development (DECD) to identify and market, and allows it or other state agencies to sell, 10 vacant state-owned properties located in opportunity zones (§§ 3 & 4);
2. requires DECD to conduct various outreach efforts concerning the state's opportunity zones (§§ 5 & 6);
3. extends the historic structure rehabilitation tax credit's 30% credit to such projects located in opportunity zones and requires DECD to give these projects priority when awarding the credits (§ 7);
4. requires the DECD commissioner, in approving projects eligible for urban and industrial site reinvestment tax credits, to give priority to applications for projects located in opportunity zones (§ 8);
5. requires the DECD commissioner, in consultation with various state officials, to study the federal opportunity zone program and how the state may incentivize its use (§ 9); and
6. requires the DECD commissioner, in approving state financial assistance for certain brownfield remediation projects, to give priority to projects located in opportunity zones (§§ 10 & 11).

The act also allows opportunity zone projects to receive assistance from DECD's Office of the Permit Ombudsman. By law, the office coordinates expedited permit reviews of eligible economic development projects with the transportation, public health, and energy and environmental protection departments (§ 2).

Lastly, the act designates DECD's deputy commissioner for economic and community development as the state's primary point of contact for all state programs relating to opportunity zones (§ 1).

EFFECTIVE DATE: Upon passage, except that provisions concerning the deputy commissioner, permit ombudsman, and brownfields are effective July 1, 2019.

§§ 3 & 4 — MARKETING AND SELLING STATE-OWNED PROPERTIES

The act requires DECD to develop, by February 1, 2020, a priority list of geographically diverse, vacant state-owned properties located in opportunity zones. The list must include properties (1) that have economic development viability and access to transportation or other infrastructure, (2) whose development would be consistent with DECD's plan of economic development in the zones, and (3) whose transfer to a private party would not conflict with state law.

The act requires DECD, within available appropriations, to create and maintain a website by September 1, 2019, specifically for marketing and promoting state-owned properties located in opportunity zones. DECD must develop and implement a marketing campaign for the properties and website.

The act requires DECD to identify and market 10 of the properties from the priority list, but it also requires the department to solicit proposals from companies interested in purchasing any property on the list. DECD must review the proposals and match up to 10 of the properties with companies.

The act allows DECD to sell any such property it owns. For properties owned by another state agency, DECD may present the proposal to the custodial agency, which may then sell the property. For purposes of selling the properties, the act exempts DECD and the custodial agency from the law's procedure for disposing surplus state property (see BACKGROUND). However, the act does not exempt these sales from an existing requirement that the host municipality be (1) notified of the state's intention to sell the property and (2) given the right of first refusal in purchasing it (CGS § 3-14b).

§§ 5 & 6 — OUTREACH EFFORTS

The act requires DECD, within available appropriations, to develop marketing materials highlighting the state's economic development strategy relating to opportunity zones and methods the state and municipalities may use to increase their value. By February 1, 2020, DECD must host an Opportunity Connecticut conference to (1) highlight state programs relating to opportunity zones and (2) network opportunity zone funds and project sponsors.

§ 7 — HISTORIC STRUCTURE REHABILITATION TAX CREDITS

By law, DECD may award tax credits to people and business entities rehabilitating certain historic structures. Under prior law, the credit amount was (1) 30% of eligible expenditures for projects that include affordable housing and (2) 25% of eligible expenditures for all other projects.

The act extends the 30% credit to rehabilitation projects located in opportunity zones. It also requires DECD, in any rating criteria it develops for evaluating applications for certified historic structure rehabilitation tax credits, to give priority to applications submitted by owners rehabilitating certified historic structures located in opportunity zones.

By law, to be eligible for rehabilitation, properties must be (1) listed individually on the National or State Register of Historic Places or (2) located in a district listed on either register and certified by the state historic preservation officer as contributing to the district's historic character. The credits are applied against insurance premiums, corporation business, air carrier, railroad company, cable and satellite TV, and utility company taxes.

§ 8 — UISR TAX CREDITS

The act requires the DECD commissioner, in approving projects eligible for urban and industrial site reinvestment (UISR) tax credits, to give priority to applications for projects located in opportunity zones.

UISR credits are available to any type of business investing in a project that will generate enough sales, personal income, and other tax revenue to recoup the foregone business tax revenue. The credits apply to insurance premiums, corporation business, air carrier, railroad company, cable and satellite TV, utility company, and other specified business taxes.

§ 9 — OPPORTUNITY ZONE STUDY

The act requires the DECD commissioner, in consultation with the energy and environmental protection, housing, and transportation commissioners, and the Office of Policy and Management (OPM) secretary, to study the federal opportunity zone program and how the state may incentivize its use. The DECD commissioner must report the study's findings and recommendations to the Commerce Committee by February 1, 2020.

Under the act, the study must do the following:

1. identify corporations and other beneficiaries of capital gains within the state to develop a strategy to focus their qualified opportunity fund investments locally and encourage a cycling of capital here;
2. identify existing state incentive programs that may be combined with opportunity zone benefits;
3. identify existing and recommend new incentives for businesses participating in the small business express program to relocate to opportunity zones, including (a) reducing the amount of time a business needs to have been operating in order to qualify for a grant and (b) increasing the grant amount for each job created;
4. develop a plan to issue state bonds to provide low-interest loans to investors who develop mixed-income housing in opportunity zones;
5. recommend incentives for investors to develop mixed-income housing, in opportunity zones, that uses solar power or other renewable energy sources;
6. identify agency policies and regulations that may be amended to facilitate investment in the zones;
7. identify agency discretionary grant processes that may be amended to include opportunity zone criteria; and
8. develop a plan to use social impact bonds to encourage private investment in the zones.

§§ 10 & 11 — BROWNFIELDS

The act requires the DECD commissioner, when making loans under the department's Targeted Brownfield Development Loan Program, to give priority to proposed projects located in opportunity zones. He must do so for applications received on and after July 1, 2019. The program provides loans of up to \$4 million per year for investigating and assessing a property's environmental condition and remediating any contamination.

The act similarly requires the commissioner, when making brownfield remediation grants, to (1) consider whether a brownfield is located in an opportunity zone and (2) give priority to proposed projects located in opportunity zones. The latter requirement applies to applications received on and after July 1, 2019.

By law, DECD makes grants to municipalities, municipal and nonprofit economic development agencies, and state-certified brownfield land banks for remediating brownfields they own or control. It also makes grants to these entities and regional councils of government for preparing comprehensive brownfield remediation and development plans.

BACKGROUND

Federal Opportunity Zone Program

The federal Opportunity Zone program, created as part of the 2017 federal Tax Cuts and Jobs Act (P.L. 115-97), is designed to spur economic development and job creation in distressed communities by providing federal tax benefits for private investments in the zones. The program's tax benefits are available to investors that reinvest gains earned on prior investments in a qualified opportunity zone fund that invests in zone businesses. Investors may receive additional tax benefits if they hold their investments in the fund for at least five, seven, or 10 years.

Connecticut has 72 opportunity zones in 27 municipalities that were approved by the U.S. Treasury Department in 2018.

Sale of State Property

CGS § 4b-21 governs the disposition of surplus state property and generally requires the following steps, among others:

1. notice to (a) OPM by the agency with custody and control of the property and (b) other state agencies by OPM regarding the property's availability;
2. if the property may be treated as surplus, an opportunity for the host municipality to negotiate with the state to acquire the property;
3. an offering of the property on the open market by the state if the municipality declines or is deemed to decline to acquire it; and
4. approval of a proposed agreement by various entities (e.g., the OPM secretary and State Properties Review Board).

Additionally, CGS § 4b-47 requires state agencies to notify the Council on Environmental Quality, OPM, and the Department of Energy and Environmental Protection (DEEP) before selling or transferring state land. It provides for public notice and comment, requires the DEEP commissioner to advise OPM about whether all or part of the land should be preserved, and specifies options for doing so.

PA 19-58—sSB 854

Commerce Committee

AN ACT PROMOTING CAREERS IN MANUFACTURING TO PUBLIC SCHOOL STUDENTS AND ESTABLISHING A TASK FORCE TO STUDY THE DEMAND FOR CAREER AND TECHNICAL EDUCATION TEACHERS

SUMMARY: This act requires local and regional boards of education, as part of the annual student success plans they must create for each student starting in grade six, to provide evidence of career exploration in each grade, including manufacturing careers. It requires the State Department of Education (SDE) to revise and issue guidance to the boards about these changes to student success plans (§ 3).

The act also requires the boards to develop career placement goals for students choosing not to pursue an advanced degree immediately after graduation and include those goals in their district's statement of educational goals (§ 2) (see BACKGROUND).

Additionally, the act requires the SDE commissioner to (1) study the demand for career and technical education teachers in the state's technical high schools, public high schools, and community college advanced manufacturing technology centers and (2) recommend ways to expand opportunities for experienced manufacturing professionals to become teachers. The commissioner must (1) consult with the Office of Higher Education executive director and the Technical Education and Career System board chairperson when conducting the study and (2) report his findings and recommendations to the Commerce Committee by February 1, 2020 (§ 4).

Lastly, the act explicitly authorizes guidance and school counselors to provide students with materials about manufacturing, military, and law enforcement careers when discussing career options (§ 1).

EFFECTIVE DATE: July 1, 2019, except the study provision is effective upon passage.

BACKGROUND

Statement of Educational Goals

By law, each board of education must, with participation of parents, students, school administrators, teachers, citizens, local elected officials, and other appropriate parties, prepare a statement of educational goals for the district consistent with the state's educational goals. The board must also annually develop student objectives for the school year that directly relate to the district's goals and identify specific expectations for student skills, knowledge, and competence (CGS § 10-220(b)).

Related Act

PA 19-128 (§ 11) requires that student success plans also consider career and academic choices in computer science, science, technology, engineering, and math.

PA 19-75—sSB 1030

Commerce Committee

AN ACT CONCERNING THE TRANSFER OF HAZARDOUS WASTE ESTABLISHMENTS

SUMMARY: This act excludes certain property and businesses from Connecticut's property transfer law (i.e., the Transfer Act) by narrowing the types of hazardous waste that count towards the 100 kilogram threshold that triggers the law's application. (The law generally requires the disclosure of (1) environmental conditions and (2) in some cases, investigation and remediation (CGS §§ 22a-134 to 134e).)

The act also (1) shortens, from three years to one year, the window for commencing audits of Transfer Act final verifications received on or after October 1, 2019, and (2) requires the Department of Energy and Environmental Protection (DEEP) to complete such audits within three years after receiving the final verification. As under existing law, both of these deadlines may be extended under certain conditions.

Lastly, the act requires the Commerce and Environment committee chairpersons to convene a working group to examine the Transfer Act and recommend potential legislative changes to it. The working group must report its findings and recommendations to the committees by February 1, 2020.

EFFECTIVE DATE: October 1, 2019, except that the working group provision is effective upon passage.

§ 1 — PROPERTY AND BUSINESS OPERATIONS EXEMPT FROM THE TRANSFER ACT

The Transfer Act applies to the transfer of certain real property and business operations, known as "establishments." Under prior law, establishments included real property and business operations from which more than 100 kilograms (about 220 pounds) of hazardous waste was generated in any one month after November 18, 1980, except waste generated from (1) remediating polluted soil, groundwater, or sediment or (2) removing or abating building materials.

The act narrows the definition of "establishment" by additionally excluding property and businesses where this amount of waste was generated solely (1) one time in any one month, either for the first time or since the last time a Transfer Act form (I-IV; see BACKGROUND) was required to be submitted or (2) by removing one or more of the following:

1. building maintenance or operating materials;
2. unused chemicals or materials from emptying or clearing out a building, as long as the removal is supported by facts reasonably established at the time of the removal; and
3. waste within 90 days of a business ceasing operations, as long as the cessation is supported by facts reasonably established at the time of such cessation.

§ 2 — TRANSFER ACT AUDITS

Under prior law, the DEEP commissioner could audit a final verification for an entire establishment (i.e., a written opinion by a licensed environmental professional stating that an establishment has been remediated according to specific standards) within three years after the verification's submission. For verifications submitted on or after October 1, 2019,

the act (1) shortens, from three years to one year, the period of time after the verification's submission during which DEEP may begin an audit and (2) requires the commissioner to complete such audits within three years after receiving the final verification, except as described below.

The act makes a conforming change to a provision allowing the DEEP commissioner to audit a final verification after the audit window under certain conditions. Under the act, if these conditions exist, the commissioner (1) may begin an audit more than one year after receiving the final verification and (2) need not complete the audit within three years after receiving the final verification.

As under existing law, the conditions include the commissioner determining the following:

1. the verification was based on materially inaccurate, erroneous, or misleading information or that misrepresentations were made when the verification was submitted;
2. required monitoring, operations, or maintenance has not been done; or
3. information exists showing that the remediation may not prevent a substantial threat to public health or the environment.

As under existing law, the commissioner (1) must send written audit findings to the certifying party and the verifying licensed environmental professional and (2) may suspend audits if she requests information that is not provided in a timely manner.

§ 3 — TRANSFER ACT WORKING GROUP

The act requires the Commerce and Environment committee chairpersons to convene a working group to examine the Transfer Act law and recommend potential legislative changes to it. The working group must report its findings and recommendations to the committees by February 1, 2020.

The working group must be composed of (1) the committee chairpersons, or their designees; (2) the DEEP and Department of Economic and Community Development commissioners, or their designees; and (3) environmental transaction attorneys, commercial real estate brokers, and licensed environmental professionals, each selected by the committee chairpersons. It may also include additional members of the Commerce or Environment committees selected by the chairpersons.

The Commerce and Environment committee chairpersons must select the working group's chairperson, who must schedule and hold the group's first meeting by August 27, 2019. The group must meet monthly thereafter until it submits its final report. The working group terminates on the date it submits its final report or February 1, 2020, whichever is later.

BACKGROUND

Transfer Act Forms

To certify an establishment's condition, the Transfer Act requires that certain forms (Forms I to IV) be completed and filed with DEEP, which reviews them for completeness and contacts the appropriate party if it needs more information. Based on the information provided, further investigation and remediation or monitoring may be required by DEEP or a licensed environmental professional.

PA 19-101—sSB 1024

Commerce Committee

AN ACT CONCERNING A MATCHING GRANT PROGRAM IN REGIONAL TOURISM DISTRICTS

SUMMARY: By law, the state has three regional tourism districts (eastern, central, and western) that promote and market the state as a travel destination to stimulate economic growth. This act explicitly authorizes the districts to establish and administer a matching grant program for tourism industry businesses, tourism destinations, and nonprofit arts and culture organizations to market their business, destination, or organization. The grants must be awarded to those entities that have received private funds for marketing.

EFFECTIVE DATE: Upon passage

PA 19-150—sSB 1029

Commerce Committee

AN ACT CONCERNING WORKFORCE DEVELOPMENT

SUMMARY: Prior law required each technical education and career school director to meet with business community members in the school’s geographic area to develop a plan to assess workforce needs and modify the school’s curriculum to address the needs. This act replaces the term “director” with “principal” and requires the principals, or their designees, to also meet with representatives from electric, gas, water, and wastewater utilities and from state colleges and universities offering public utility management courses to assess the utilities’ workforce needs and modify the curriculum accordingly. (Each technical education and career high school in the state serves a multi-town region where each town may send students to the school.)

EFFECTIVE DATE: October 1, 2019

PA 19-178—sHB 7306

Commerce Committee

Appropriations Committee

AN ACT CONCERNING RECOMMENDATIONS FROM THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' BLUE RIBBON COMMISSION ON TOURISM

SUMMARY: This act establishes a 29-member Connecticut Tourism Council, chaired by the Department of Economic and Community Development (DECD) commissioner, and requires it to, among other things, (1) evaluate DECD’s biennial strategic marketing plan for culture and tourism and (2) annually report to the Commerce Committee, beginning by January 1, 2021, on the plan and the state’s tourism promotion efforts. The act places the council within DECD for administrative purposes only. The act also requires that (1) restroom facilities at the state’s six visitor welcome centers be open 24 hours per day, subject to funding availability, and (2) visitor center signage indicate the hours when the centers are open. The state has six welcome centers: Danbury, Darien, Greenwich, North Stonington, Westbrook, and Willington.

Lastly, the act requires the Department of Transportation (DOT) commissioner to study wayfinding signage in the state, including the signs on limited access highways indicating attractions and lodging, food, information, and fuel services. The study must analyze the standards for, or regulation of, local business advertising on the signs. The commissioner must report his findings and recommended changes to the standards and regulations to the Commerce and Transportation committees by February 1, 2020.

EFFECTIVE DATE: Upon passage

CONNECTICUT TOURISM COUNCIL

Membership

Under the act, the council is composed of the DECD, DOT, and Department of Energy and Environmental Protection commissioners, or their designees, and 26 appointees, as shown in the table below.

Connecticut Tourism Council Appointments

<i>Appointing Authority</i>	<i>Number of Appointees</i>	<i>Entity Represented</i>
Governor	12	Lodging industry A chamber of commerce A tourist attraction The arts A culturally diverse event or attraction Heritage tourism industry Airline industry Connecticut Airport Authority Convention center and sports arena trade organization Charter bus trade organization Casino gaming facilities (two representatives)
Senate president pro tempore	3	Agritourism industry Convention center and coliseum industry Eastern regional tourism district
Senate majority leader	2	Events industry Western regional tourism district
Senate minority leader	2	Marine trades industry Outdoor recreation industry
House speaker	3	Destination shopping industry Restaurant industry Central regional tourism district
House majority leader	2	Attractions industry Lodging industry
House minority leader	2	Museum industry Tour and travel industry

The governor's appointees serve four-year terms, while the legislative appointees' terms are coterminous with the appointing legislator.

Duties

The council must (1) adopt procedures for its operation; (2) review and approve, or recommend changes to, DECD's existing strategic marketing plan; and (3) annually report to the Commerce Committee on the state's tourism promotion efforts and its evaluation of DECD's plan.

PA 19-12—sHB 7082
 Education Committee
 Appropriations Committee

AN ACT CONCERNING THE INCLUSION OF BLACK AND LATINO STUDIES IN THE PUBLIC SCHOOL CURRICULUM

SUMMARY: This act requires all local and regional boards of education (“boards”) to include African-American and black studies and Puerto Rican and Latino studies in their curriculum beginning with the 2021-22 school year and adds these topics to the state’s existing required program of study for public schools. As with other required subject matter under existing law, the State Board of Education (SBE) must make curriculum materials available to help boards develop their instructional programs.

The act also requires SBE to review and approve, by January 1, 2021, a black and Latino studies high school course that the State Education Resource Center (SERC) must develop. Under the act, boards must offer the course in the 2022-23 school year, but they may do so in the 2021-22 school year.

For the school years 2022-23 to 2024-25, the State Department of Education must (1) conduct an annual audit to ensure that the black and Latino studies course approved under the act is being offered by each board of education and (2) annually report on the audit to the Education Committee.

EFFECTIVE DATE: July 1, 2019, except (1) the requirement that SERC develop and SBE approve the course are effective upon passage and (2) the addition of African-American and black and Puerto Rican and Latino studies to the required courses of study is effective July 1, 2021.

§§ 1 & 2 — AFRICAN-AMERICAN AND PUERTO RICAN AND LATINO STUDIES AS PART OF THE REQUIRED COURSES OF STUDY

Beginning with the 2021-2022 school year, the act adds African-American and black and Puerto Rican and Latino studies to the required program of study for public schools and requires boards to include these studies in their curricula. By law, the required program of study includes, among other subjects, the arts; language arts, including reading and writing; mathematics; physical education; science; and social studies, including citizenship, geography, government, and history.

In developing and implementing the new curriculum, the act allows the boards to (1) use existing and appropriate public or private materials, personnel, and other resources, including curriculum material that SBE must make available under the act and (2) accept gifts, grants, and donations, including in-kind donations. The curriculum must meet SBE-adopted statewide subject matter content standards.

As for the curriculum material that SBE must make available, prior law required SBE, within available appropriations and using available resource material, to assist and encourage boards to include African-American history and Puerto Rican history, among other subjects, in their instructional program. The act broadens this requirement to include African-American and black studies and Puerto Rican and Latino studies.

§§ 3 & 4 — HIGH SCHOOL COURSE

The act requires SERC to develop the one-credit high school course in black and Latino studies. To do so, SERC may use (1) existing and appropriate public or private materials, personnel, and other resources, including people and organizations with subject matter expertise in African-American, black, Puerto Rican, or Latino studies and (2) the SBE curriculum materials the act requires.

SBE must review and approve, by January 1, 2021, SERC’s developed course if it determines that the content is (1) rigorous, (2) aligned with state-approved curriculum guidelines, and (3) in accordance with the SBE-adopted subject matter content standards.

By January 15, 2021, SBE, in consultation with SERC, must submit to the Education Committee a description of the black and Latino studies course that includes the scope, sequence, and course objective, and a report on the course’s development.

For the 2021-22 school year, the act allows any board of education to offer the state-approved course in grades 9 to 12. For the 2022-23 school year, the act requires each board to offer the course in grades 9 to 12.

BACKGROUND

SERC

SERC is a quasi-public agency that provides professional development, special education services, and other educational services to local school districts (CGS §§ 10-357a to -357g).

PA 19-31—sSB 812

Education Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE EDUCATION AND EARLY CHILDHOOD STATUTES

SUMMARY: This act requires the early childhood commissioner to post notices of intent to adopt regulations on the eRegulations System, instead of publishing them in the *Connecticut Law Journal*. It also makes several technical changes to the education and early childhood statutes.

The act also makes conforming changes to statutes about executive branch agencies and agency heads, specifically by (1) eliminating references to the now-obsolete Department of Aging; (2) adding the Office of Health Strategy's (OHS) executive director to the statutory list of department heads; and (3) adding the Department of Rehabilitation Services (DORS) to the statutory list of departments. (PA 19-157 renames DORS as the Department of Aging and Disability Services.)

EFFECTIVE DATE: Upon passage, except (1) the elimination of references to the Department of Aging is effective July 1, 2019, and (2) the addition of references to OHS and DORS is effective July 1, 2020.

PA 19-34—sSB 932

Education Committee

AN ACT CONCERNING THE STAFF QUALIFICATIONS REQUIREMENT FOR EARLY CHILDHOOD EDUCATORS

SUMMARY: Under prior law, state-funded early childhood education program staff members were required to meet increasingly advanced levels of educational attainment, which were phased in over several years. This act gives them more time to comply with the requirements by (1) extending the existing requirements and delaying implementation of each phase by two years and (2) adding an additional phase.

By law, each phase has a range of acceptable qualifications, including minimum qualification for each. The act broadens acceptable requirements under certain conditions.

Finally, the act applies the existing staffing requirements, which prior law limited to school readiness classrooms, to all programs accepting state funds. This conforms the existing requirements' applicability to those of the other phases.

EFFECTIVE DATE: July 1, 2019

DELAY IN INCREASED STAFF QUALIFICATIONS

The act extends the existing requirements for two years, and it correspondingly delays the phase one starting date by two years. It also (1) creates an additional phase after phase one for a total of three phases and (2) correspondingly delays the final phase. The dates for the phases are shown in the table below.

Changes to Qualification Requirements Schedule

	<i>Existing Requirements</i>	<i>Phase 1</i>	<i>Phase 2</i>	<i>Phase 3</i>
<i>Prior Law</i>	Through June 30, 2020	July 1, 2020, through June 30, 2023	N/A	On and after July 1, 2023
<i>The Act</i>	Through June 30, 2022	July 1, 2022, through June 30, 2025	July 1, 2025, through June 30, 2029	On and after July 1, 2029

STAFF QUALIFICATIONS FOR EACH PHASE

Existing Requirements

Under prior law, the existing requirements apply only to school readiness classrooms; the requirements for the remaining phases apply more broadly to all early childhood education programs accepting state funds. The act applies to all programs accepting state funds, thus making the existing requirements conform to the other phases.

By law, each classroom must have at least one staff member who meets one of the following qualifications:

1. (a) an early childhood development associate credential or equivalent issued by an organization approved by the Office of Early Childhood (OEC) commissioner and (b) at least 12 credits in early childhood education or child development from a regionally accredited higher education institution that is also accredited by the Board of Regents for Higher Education (BOR) or the Office of Higher Education (OHE),
2. an associate or bachelor’s degree with at least 12 credits in early childhood education or child development from such a higher education institution,
3. a State Board of Education (SBE)-issued teaching certificate with an endorsement in early childhood education or special education, or
4. an associate or bachelor’s degree with an early childhood education concentration from a regionally accredited higher education institution.

Either the OEC commissioner or the Connecticut State Colleges and Universities (CSCU) president, in consultation with the commissioner, determines whether a classroom teacher has fulfilled the 12-credit minimum for the above requirements.

First Phase

Under prior law, for the first phase at least 50% of state-funded early childhood education primary classroom teachers must meet one of the following six standards:

1. hold an SBE-issued teaching certificate with an endorsement in early childhood education or early childhood special education;
2. have been issued an early childhood teacher credential;
3. hold at least a bachelor’s degree with a concentration in early childhood education from a regionally accredited higher education institution;
4. have been employed by a state-funded early childhood program on or before June 30, 2015, and hold either (a) a bachelor’s degree in early childhood education or child development or (b) a bachelor’s degree in another subject area and at least 12 credits in early childhood education or child development;
5. hold an associate or bachelor’s degree in early childhood education or child development, or an associate or bachelor’s degree that is not in early childhood education and at least 12 credits in early childhood education or child development from a regionally accredited higher education institution, subject to OEC review and assessment; or
6. have been employed by the same state-funded early childhood program since 1995 and hold an associate degree with at least 12 credits in early childhood education or child development, as determined by the OEC commissioner or CSCU president, from a higher education institution that is accredited by BOR or OHE and regionally accredited (these individuals are grandfathered into the staff qualification requirements only until June 30, 2025).

The act eliminates the bachelor’s degree standard (number 3 above) and instead establishes an associate degree as an acceptable standard.

Under prior law, the remaining classroom teachers must hold an associate degree with an early childhood concentration from a regionally accredited higher education institution. The act instead allows an early childhood development associate credential or equivalent issued by an organization approved by the OEC commissioner and at least 12 credits in early childhood education or child development from a higher education institution that is accredited by BOR or OHE and regionally accredited.

Second Phase

Under the act, the second phase qualifications are similar to the first phase under prior law. Half of the primary teachers must meet one of the six standards listed above (including a bachelor's degree for number 3). The remaining teachers must hold an associate degree (as was required under the first phase in the prior law) or have been issued an early childhood teacher credential.

Third Phase

By law, the final phase requires that 100% of primary classroom teachers, instead of 50%, meet one of the six standards listed above under the first phase. (The act delays this phase's implementation until July 1, 2029.)

PA 19-61—sSB 935

Education Committee

AN ACT REQUIRING THE OFFICE OF EARLY CHILDHOOD TO DEVELOP A PROPOSED EARLY CHILDHOOD EDUCATOR COMPENSATION SCHEDULE

SUMMARY: This act requires the Office of Early Childhood (OEC) to (1) establish a proposed early childhood educator compensation schedule for state-qualified employees of early childhood education programs and (2) consider certain factors in doing so. Under the act, an early childhood education program is any child care or school readiness program that accepts state funds for infant, toddler, and preschool spaces.

The proposed compensation schedule, which is a list or lists specifying compensation steps and ranges, must (1) include a recommended minimum salary and (2) be submitted, with a report containing recommendations, to the Appropriations and Education committees by January 1, 2021.

Under the act, the compensation schedule is for those who are employed by an early childhood education program and meet the applicable staff qualifications requirement in state law.

EFFECTIVE DATE: July 1, 2019

COMPENSATION SCHEDULE

Definition

Under the act, "compensation" is the salary, wages, benefits, and other forms of valuable consideration earned by, and provided to, an employee in remuneration for services rendered.

Factors to Consider

The act requires OEC, after notice and opportunity for public comment, to develop the proposed compensation schedule, considering the following factors:

1. level of education;
2. training in early childhood education or child development;
3. relevant employment experience, including an individual's years employed in an early childhood education program;
4. compensation levels for certified teachers employed in a preschool program operated by a local or regional board of education or regional educational service center; and
5. cost of living in the state.

It also allows OEC to do the following when developing the schedule:

1. consider findings and recommendations provided in OEC's report, "A Plan to Assist Early Education State Funded Providers to Degree Attainment and Increased Compensation;"
2. use state and federal funding; and
3. examine existing programs that address early childhood educator compensation and staff retention through financial incentives such as bonuses for degree or course completion.

Report and Recommendations

OEC must submit a report along with the proposed schedule to the Appropriations and Education committees by January 1, 2021. The report must include:

1. recommendations for legislation to implement the proposed compensation schedule statewide,
2. an estimate of the cost to implement the proposed schedule statewide,
3. an analysis of the statewide implementation's effect on the number of available preschool seats, and
4. an explanation of how the proposed schedule will be included in any early childhood provider quality rating and improvement system that OEC develops.

PA 19-63—sSB 956

Education Committee

AN ACT CONCERNING GUIDELINES FOR A COMPREHENSIVE SCHOOL COUNSELOR PROGRAM

SUMMARY: This act requires the State Board of Education (SBE), in collaboration with a statewide school counselors association, to adopt guidelines for a comprehensive school counseling program by July 1, 2020. The guidelines must ensure that all students have access to a comprehensive school counseling program that provides academic, social-emotional, and post-secondary and career-readiness programming by an adequately trained, certified school counselor.

SBE must make the guidelines available to local and regional boards of education and publish them on the State Department of Education's website.

EFFECTIVE DATE: July 1, 2019

PA 19-74—sSB 1022

Education Committee

Appropriations Committee

AN ACT CONCERNING MINORITY TEACHER RECRUITMENT AND RETENTION

SUMMARY: This act requires the State Department of Education's (SDE) Minority Teacher Recruitment Policy Oversight Council (i.e., "council") to develop and implement strategies and use existing resources to ensure that local and regional boards of education annually hire and employ at least 250 new minority teachers and administrators.

It also:

1. expands teacher certification reciprocity with other states (§ 2),
2. provides mortgage assistance for teachers who graduated from colleges and universities that traditionally serve minority students (§ 3),
3. allows retired teachers who graduated from colleges and universities that traditionally serve minority students to be re-employed for up to a year without a pension penalty or salary limit (§ 4),
4. creates flexibility in certain teacher certification requirements (§ 5), and
5. removes subject-matter assessment requirements for teachers seeking recertification after their certification lapses in certain cases (§ 6).

It also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2019, except the annual minority hiring goal is effective upon passage.

§ 1 — MINORITY TEACHER HIRING GOAL

The act requires the council to develop and implement strategies and use existing resources to ensure local and regional boards of education in the state hire and employ, in total, at least 250 new minority teachers and administrators, of which at least 30% are men, each year beginning with the 2020-21 school year. The council must do this in consultation with the Minority Teacher Recruitment Task Force. (Generally, school district hiring decisions are made at the local level by the superintendent and local or regional board of education.)

In the law creating the council, “minority” means someone 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 use. The council is within SDE and is charged with advising the education commissioner on issues related to minority teacher recruitment (see BACKGROUND).

§ 2 — TEACHER RECIPROCITY AGREEMENTS

The act requires the education commissioner, or his designee, to enter into teacher certification reciprocity agreements with the chief education officials for each state. Furthermore, if the commissioner is unable to establish a reciprocity agreement with another state, the act authorizes him to establish or join an interstate agreement to facilitate certification of teachers from other states as outlined in existing law, unchanged by the act.

The act replaces the term “professional certification” with “educator certification” in the reciprocity provision to convey that the reciprocity agreements apply to all three levels of Connecticut teacher certification (i.e., initial, provisional, and professional) and not just professional.

The act also requires the commissioner to annually report to the Education Committee, beginning January 1, 2020, on (1) the development and implementation of the reciprocity and interstate agreements and (2) any legislative recommendations.

§ 3 — TEACHER SHORTAGES

The education commissioner annually designates subject areas where there are not enough available qualified teachers for “subject shortage areas” (current examples include bilingual education (pre-K through 12th grade), math (7-12), and science (7-12)). Prior law required that an applicant be given certification to teach in a designated subject shortage area if he or she received an “excellent” score in a State Board of Education (SBE)-approved subject area assessment for the subject shortage area. This was also allowed for a teacher already certified in one area who wanted to teach in a shortage area. The act lowers this assessment score threshold so that the applicant or the certified teacher must be given the certification if he or she earns a “satisfactory,” rather than “excellent,” score on the assessment.

§ 4 — TEACHER MORTGAGE ASSISTANCE

By law, the Connecticut Housing Finance Authority (CHFA) administers a mortgage assistance program for certified teachers who (1) are employed by priority or transitional school districts (there are 26 in all); (2) are employed by the Technical Education and Career System at a technical high school located in a priority or transitional school district; or (3) teach in a subject matter shortage area in any district. The program offers mortgages at below-market interest rates for those purchasing a house as their principal residence.

The act expands eligibility for the program to certified teachers who graduated from (1) an educational reform district (i.e., the 10 lowest performing districts in the state) or (2) a historically black college or university (HBCU) or historically Hispanic-serving institutions (HSI) as those terms are defined in federal law (see BACKGROUND).

By law, program participants who work in priority or transitional school districts must purchase the home in the same district. The act does not include a location requirement for teachers newly eligible under the act.

§ 5 — RE-EMPLOYMENT OF RETIRED TEACHERS

By law, a school district can re-employ a retired teacher for up to a year without a pension penalty or a limit on his or her salary in (1) a school located in a priority school district or (2) a teacher shortage subject area.

The act expands this allowance to include any retired teacher who graduated from an (1) education reform district or (2) HBCU or historically HSI, as those terms are defined in federal law. As under law for the existing provisions, under certain circumstances this can be renewed for an additional year.

Other than exceptions like the ones mentioned above, a retired teacher may be employed at a school district but can

only receive 45% of the maximum salary for the assigned position and still collect a pension. Any teacher who receives more than 45% must reimburse the Teachers' Retirement Board for the amount of the excess (CGS § 10-183v(a)).

§ 6 — TEACHER CERTIFICATION REQUIREMENT FLEXIBILITY

By law, SBE must issue an initial educator certification (the first of three levels of professional teacher certification) to an applicant who satisfies certain requirements. Under prior law, the applicant had to hold a bachelor's degree from a higher education institution that was regionally accredited or accredited by the Board of Regents for Higher Education (BOR) or Office of Higher Education (OHE). The act makes advanced degrees, as well as bachelor's degrees, acceptable for initial teacher certification. It also eliminates specific references to BOR- or OHE-accredited degree-granting institutions and instead uses the broader terms of "regionally accredited institutions" and "institutions with an equivalent accreditation."

Under prior law, the applicant additionally had to have completed the appropriate subject area major or achieved the satisfactory score on a subject area assessment and completed relevant advanced coursework. The act instead allows an applicant to substitute either a satisfactory score on a subject area assessment or relevant advanced coursework in place of an appropriate subject area major, rather than requiring both in order to substitute for the subject area major.

As under existing law, the applicant must additionally have completed (1) an SBE-approved educator preparation program or similar program in another state or (2) an SBE-approved alternate route to certification (ARC) program or similar program in another state.

§ 7 — RECERTIFICATION AFTER CERTIFICATION LAPSES

Under prior law (with certain exceptions), if a teacher's certification expired, the teacher had to pass the appropriate subject-matter assessment (i.e., test) again for teacher certification. The act waives this requirement if the person held a valid Connecticut teacher certificate that expired and either (1) taught the subject matter successfully for at least three years in the last 10 years here or in another state or (2) holds a master's degree or higher in the subject area.

Under the act, a person who previously achieved a passing score on an SBE-approved subject-area assessment need not pass the assessment again, as long as the education commissioner determines that the requirements for passing the previous test are at least equivalent to the requirements for passing the current test.

BACKGROUND

Minority Teacher Recruitment Policy Oversight Council

The council membership consists of:

1. the education commissioner, or his designee;
2. two representatives from the minority teacher recruitment task force;
3. one representative from each of the teachers' unions and the administrators' union;
4. the BOR president, or his designee; and
5. a representative from an ARC program, appointed by the education commissioner.

Among its duties, the council must advise the commissioner on ways to recruit minority students to enter into teacher preparation programs and ways to recruit and retain minority teachers in Connecticut schools. The council must meet quarterly and annually report the recommendations it gives to the commissioner to the Education Committee (CGS § 10-156bb).

Historically Black Colleges and Universities (HBCU) and Hispanic-Serving Institutions (HSI)

HBCUs are accredited colleges and universities that were established before 1964 with the principal mission of educating African Americans (Higher Education Act of 1965, P.L. 89-329).

HSIs are accredited, degree-granting, public or private nonprofit higher education institutions with a total undergraduate Hispanic full-time equivalent student enrollment of 25% or more (20 U.S.C. § 1101a(a)).

Related Act

PA 19-128 (§ 6) also expands teacher certification eligibility for a designated subject shortage area to include individuals who received a satisfactory score on a subject-area assessment.

PA 19-91—sSB 1069
Education Committee

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes changes in laws governing criminal history checks for school personnel. Specifically, it establishes separate but analogous criminal history check requirements, similar to those required under prior law, for school personnel employed by “eligible school operators” and “nongovernmental school operators” (§§ 1 & 2). The main distinction between the requirements for these two types of operators is the federal law with which the criminal history checks must comply.

The act also makes the following related changes:

1. creates separate criminal history check requirements for teacher preparation program participants fulfilling student teaching requirements in schools (“student teachers”) and requires the Department of Emergency Services and Public Protection (DESPP) to waive the fees for these criminal history records checks (§ 3);
2. establishes optional, separate criminal history check requirements for all other individuals performing services that cause them to have direct contact with students, replacing several other required criminal history check requirements for distinct classifications of school personnel (e.g., public assistance employment program workers and supplemental service providers) (§§ 1 & 4); and
3. makes changes relating to the sharing of criminal history and child abuse registry check results (§ 1).

Additionally, the act makes the following unrelated changes:

1. requires the State Department of Education (SDE) to study authorizing towns and cooperative arrangements to be considered a “local education agency” (LEA) for regional cooperation purposes (§ 6);
2. requires SDE to update the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework by January 1, 2020, to include sexual harassment and assault, adolescent relationship abuse and intimate partner violence, and human trafficking and commercial sexual exploitation (§ 7);
3. increases the term limit for school governance council voting members from two to four terms (§ 8); and
4. narrows the student expulsion criteria for conduct on school grounds or at a school-sponsored activity (§ 9).

The act also makes technical and conforming changes, including those about periodic State Board of Education (SBE)-initiated records checks (§§ 1 & 5).

EFFECTIVE DATE: July 1, 2019, except the provisions relating to SDE’s cooperative arrangement study (§ 6) and health curriculum update (§ 7) take effect upon passage.

§§ 1 & 2 — SCHOOL OPERATORS’ RECORDS CHECK REQUIREMENTS

The act defines “eligible school operators” and “nongovernmental school operators” and establishes separate but analogous criminal history check requirements for their personnel.

Eligible School Operators Defined

The act defines “eligible school operators” as schools or school districts authorized to receive national criminal history record information from the FBI under federal law. Under the act, these operators include the following entities:

1. local or regional boards of education;
2. the Technical Education and Career System (i.e., technical high school system);
3. state or local charter school governing councils;
4. cooperative arrangements; and
5. interdistrict magnet school operators that are not third-party nonprofit corporations approved by the education commissioner.

Nongovernmental School Operators Defined

The act defines “nongovernmental school operators” as the following entities:

1. third-party, nonprofit interdistrict magnet school operators that are approved by the education commissioner;
2. state or local charter school governing councils;
3. SBE-approved (a) endowed or incorporated academies and (b) special education facilities; or

4. private school supervisory agents.

Records Check Requirements

The act establishes analogous records check requirements similar to those that applied to personnel employed by boards of education, interdistrict magnet school operators, and private schools under prior law. Both eligible school operators and nongovernmental school operators must follow the same requirements for (1) employment applicants in certified and noncertified positions and (2) substitute teachers. Additionally, both operators may use fingerprinting services offered by regional education service centers (RESCs) to request state and national criminal history records checks from DESPP.

One distinction, however, is that the act requires only the nongovernmental school operator-requested criminal history records checks to be conducted in accordance with the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998, in addition to state law.

The act also adds a new requirement for applicants seeking positions with both operators. Existing law requires these applicants to reveal whether they have ever been convicted of a crime or whether criminal charges are pending against them. The act requires this disclosure to be made in writing at the time of application. It also requires the disclosure to describe the charges and the court in which the charges are pending.

§§ 1 & 2 — DISSEMINATION OF CRIMINAL HISTORY CHECK RESULTS

The act specifies that it does not require eligible school operators or nongovernmental school operators to disseminate the results of any national criminal history records checks.

Additionally, for fingerprints arranged by RESCs at the request of eligible school operators or nongovernmental school operators, the act requires the State Police Bureau of Investigation, rather than the RESC itself, to provide the results to the requesting operator.

Also, under the act, eligible and nongovernmental school operators may request from SBE information about (1) the applicant's employment eligibility for a certified position; (2) whether SDE knows of prior applicant discipline for a finding of abuse, neglect, or sexual misconduct; or (3) whether SDE has received notice of criminal charges pending, or criminal convictions against, an applicant and information about the charges. This mirrors the informational requests available to public and private school operators in prior law, except the act requires the operators to make these requests to SBE, rather than SDE.

Finally, the act specifies that, for requests made by eligible or nongovernmental school operators to SBE about job applicants' eligibility, (1) SBE must make criminal history records information available to the extent permissible under state and federal law and (2) SBE is not required to share any national criminal records check results or investigate any request made by operators.

§ 3 — STUDENT TEACHERS

Under the act, both eligible school operators and nongovernmental school operators must require student teachers completing their teacher preparation programs in their schools to:

1. give a written statement about whether they have ever been convicted of a crime or have criminal charges pending against them when they apply to work in the school, along with the charges and court where they are pending;
2. submit to a Department of Children and Families child abuse and neglect registry check before beginning their student teaching experience; and
3. submit, beginning July 1, 2019, to state and national criminal history records checks within 60 days before beginning student teaching.

The act requires the above criminal history records checks to be conducted by DESPP in accordance with state law.

§§ 1 & 4 — SERVICE PROVIDERS WITH DIRECT STUDENT CONTACT

The act removes the requirement that boards of education, interdistrict magnet school operators, and private schools require state and national criminal history records checks 30 days prior to beginning employment for workers performing a service involving direct student contact who are (1) placed in a school under a public assistance employment program, (2) employed by a supplemental services provider pursuant to the federal No Child Left Behind Act, or (3) in an unpaid, noncertified student teacher position.

The act instead allows eligible school operators and nongovernmental school operators to require anyone performing a service in their schools who will have direct contact with students to make the same disclosures and submit to the same criminal history records checks as student teachers (see § 3 above). However, the act specifies that these records checks must also be conducted in accordance with federal law (i.e., the National Child Protection Act of 1993) in addition to state law.

§ 6 — SDE STUDY OF LOCAL EDUCATION AGENCY (LEA) STATUS

The act requires SDE to study by January 1, 2020, authorizing towns and cooperative arrangements to be considered an LEA for regional cooperation purposes and to maximize efficiencies and cost-savings without establishing a regional school district. Neither the act nor existing state law defines “LEA;” however, federal law uses the term. According to federal regulation, an LEA is a public board of education or other public authority legally recognized in a state for giving administrative direction to, or performing service functions for, a public school or combination of public school districts (34 C.F.R. § 303.23(a)).

SDE must submit a report to the Education Committee on its findings and any legislation recommendations.

§ 8 — SCHOOL GOVERNANCE COUNCIL TERM LIMITS

The act increases the term limit for voting members of school governance councils from two to four terms. By law and unchanged by the act, voting members elected to the council serve two-year terms, and nonvoting student members serve no more than two one-year terms.

Existing law allows, and in some instances requires, boards of education to establish school governance councils for each school in their district that is identified as low-performing by SDE’s accountability index. These councils are responsible for working with the school administration to prepare an improvement plan for the school, participate in the hiring process for school administrators, and develop school policies affecting students and parents, among other things. The school’s parents and guardians, teachers, and student body elect the council’s membership. Membership must consist of parents and guardians, community leaders, teachers, the principal, and students (CGS § 10-223j).

§ 9 — STUDENT EXPULSION CRITERIA

Prior law allowed a local or regional board of education or an impartial hearing board to expel a public school student enrolled in grades 3 to 12 if it found that the student’s conduct (1) on school grounds or at a school-sponsored activity violated a publicized board policy or was seriously disruptive of the educational process or endangered persons or property or (2) off school grounds violated such a policy and was seriously disruptive of the educational process.

The act narrows the expulsion criteria for student conduct on school grounds or at a school-sponsored activity. Under the act, the board must find the student’s conduct to be both (1) in violation of a publicized board policy and (2) either seriously disruptive of the educational process or endangering persons or property, rather than meeting only one of these two criteria.

PA 19-100—sSB 1020

Education Committee

AN ACT CONCERNING THE INCLUSION OF INSTRUCTION IN CULTURALLY RESPONSIVE PEDAGOGY AND PRACTICE IN THE PRESERVICE TRAINING, PROFESSIONAL DEVELOPMENT AND IN-SERVICE TRAINING PROVIDED TO TEACHERS

SUMMARY: This act substitutes the term “culturally responsive pedagogy” for “cultural competency” in laws addressing required (1) teacher preparation training, (2) special education coursework for initial educator certification, and (3) instruction in an alternate route to certification.

It also adds “culturally responsive pedagogy and practice” to the teacher professional development and in-service training that boards of education are required to provide for their teachers. (The act does not define this term, but the term generally refers to understanding students’ culture and including this knowledge in all aspects of learning.)

EFFECTIVE DATE: July 1, 2019

PA 19-121—sSB 936

Education Committee

Judiciary Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act makes the following changes in the early childhood statutes:

1. authorizes the Office of Early Childhood (OEC) commissioner to increase the family income ceiling for Care 4 Kids child care subsidy applicants, thereby expanding the number of families eligible for the subsidy, and removes an obsolete Care 4 Kids priority group (§ 1);
2. allows child care centers, group child care homes, and family child care homes to serve foster children for up to 45 days before the child must comply with immunization and physical exam requirements in state child care regulations (§§ 2 & 3);
3. delineates the specific individuals who must undergo recurring comprehensive background checks in order to provide child care services (§ 4);
4. allows the OEC commissioner to order a summary suspension or probation of a provider's license for a child care center, group child care home, or family child care home, pending any license revocation or other proceedings, if she finds that public health, safety, or welfare require emergency action (§§ 5 & 6);
5. allows OEC to fine a child care center or group child care home up to \$5,000 for failing to give written notice at least 30 days before closure and establishes a procedure for issuing this penalty (§ 7);
6. changes the due date for OEC's annual report to the Education Committee about school readiness programs' compliance with statutory staff qualification requirements from July 1 to January 1 (see BACKGROUND) (§ 8);
7. shortens the eligibility period for competitive school readiness program grants from five to three years (§ 9);
8. removes a reference to the obsolete federal Goodling Even Start Family Literacy Program (§ 10);
9. requires an individualized family services plan under the Birth to Three early intervention program (see BACKGROUND) to be signed by the child's pediatrician, primary care provider (i.e., physician or advanced practice registered nurse), or qualified personnel, rather than also be developed with the pediatrician or primary care physician (§§ 11 & 12);
10. allows the OEC commissioner, for certain reasons, to suspend or revoke approval of an individual's renewal application for a head teacher or educational consultant position in a state-licensed child care center or group child care home (§ 13);
11. generally allows a child care center or group child care home that is state-licensed with a preschool endorsement to deem a child ages 32-36 months old to be three years old for enrollment purposes (§ 14); and
12. removes the requirement that OEC conduct a trend analysis of bachelor's degree programs in early childhood education or child development to determine whether they align with the teacher preparation standards of the National Association for the Education of Young Children (§ 15).

The act also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2019, except provisions on OEC's annual school readiness staff qualifications report (§ 8) and trend analysis of bachelor's degree programs (§ 15) take effect upon passage.

§ 1 — CARE 4 KIDS ELIGIBILITY

Prior law authorized the OEC commissioner to increase the family income level for Care 4 Kids child care subsidies eligibility to a ceiling of no more than 75% of the statewide median income. The act allows the commissioner to instead increase it to the maximum level allowed under federal law, which is up to 85% of the statewide median income. This ceiling applies to both applicants for and current recipients of the subsidy.

The act also removes from prior law a priority group to which the OEC commissioner was required to give preference when determining Care 4 Kids eligibility. This priority group was any household with a child or children participating in the Early Head Start-Child Care Partnership federal grant program for up to 12 months based on Early Head Start eligibility criteria.

§§ 2 & 3 — FOSTER CHILD IMMUNIZATION AND PHYSICAL EXAM REQUIREMENTS

The act allows any child care center, group child care home, or family child care home to serve a foster child for up to 45 days without that child meeting state child care regulations' immunization and physical exam requirements. It

requires these centers or homes to maintain the foster child's records for at least two years after he or she leaves their care.

Under the act, a foster child refers to any child in the custody of the Department of Children and Families (DCF) who is placed:

1. in a DCF-licensed foster home, foster home approved by a DCF-licensed child-placing agency, or state-licensed child care facility or
2. with a relative or fictive kin caregiver (i.e., an adult age 21 or older who is not related to the child but has an emotionally significant familial relationship with him or her or the child's family).

§ 4 — COMPREHENSIVE BACKGROUND CHECKS

Existing law requires comprehensive background checks to be conducted at least once every five years at child care centers, group child care homes, and family child care homes. The act further delineates the individuals to whom this background check requirement applies:

1. any licensee, employee, volunteer or alternate staff, assistant, substitute, or household member of a child care center, group child care home, or family child care home (including such care funded by the Care 4 Kids subsidy program);
2. any person who provides child care services under the Care 4 Kids subsidy program in a family child care home or through an informal arrangement with neighbors or formal or informal arrangement with grandparents, great-grandparents, siblings, aunts, or uncles in their own homes; or
3. any other person who provides child care services under Care 4 Kids (except as noted below).

Under the act, the comprehensive background checks for these individuals must be conducted in accordance with federal regulations governing criminal background checks for child care providers.

The act specifies that the above background check requirements do not apply to a person providing child care under the Care 4 Kids program (1) exclusively to children to whom he or she is related and (2) without being issued an OEC license to provide child care services.

Additionally, the act revises the classes of child care facility employees that were exempt from comprehensive background check requirements under prior law. The act also removes the OEC commissioner's authority to require an employee of a child care center, group child care home, or family child care home to submit to a comprehensive background check more than once during a five-year period.

§ 7 — NOTICE OF CLOSURE

The act allows OEC to fine a child care center or group child care home up to \$5,000 for failing to give written notice at least 30 days before proposed closure to (1) OEC, (2) all center or home employees, and (3) parents or guardians receiving services at these centers or homes.

If the OEC commissioner believes this violation occurred, she may either personally serve or send by certified mail, return receipt requested, a notice that must contain the following:

1. a reference to the section or sections of the general statutes or regulations involved;
2. a short and plain statement of the matters asserted or charged;
3. a statement of the maximum civil penalty that may be imposed; and
4. a statement of the licensee's right to request a hearing, which must be submitted in writing to the commissioner within 30 days after the notice is mailed or served.

The commissioner must hold a hearing upon the licensee's request, with hearing proceedings following the provisions of the state's Uniform Administrative Procedure Act. She may impose a civil penalty up to the amount stated in her notice, if (1) the licensee fails to request a hearing or fails to appear at the requested hearing or (2) she finds after the hearing that the licensee committed the violation in question. The commissioner must send a copy of any order she issues by certified mail, return receipt requested, to the licensee.

§ 9 — SCHOOL READINESS GRANT ELIGIBILITY PERIOD

By law, the OEC commissioner must establish a competitive school readiness grant program to fund spaces in accredited school readiness programs or programs that seek accreditation in towns that (1) contain priority schools or former priority schools, (2) are designated as alliance districts, or (3) have high poverty. Under prior law, a town's eligibility for this competitive grant program was determined on a five-year period. The act reduces the period to three years.

§ 10 — FAMILY LITERACY PROGRAM

By law, OEC must administer an even start family literacy program within available appropriations. This program provides grants to establish new, or expand existing, local family literacy programs for children and their parents or guardians. The act removes the requirement that OEC administer the program in accordance with the William F. Goodling Even Start Family Literacy Program under the federal No Child Left Behind Act (P.L. 107-111). This federal program no longer exists.

§ 13 — OEC APPROVAL OF HEAD TEACHERS AND EDUCATIONAL CONSULTANTS

The act requires the OEC commissioner to approve the application of any individual seeking permission to work as a head teacher or in an educational consultant position in a state-licensed child care center or group child care home if the applicant satisfies agency requirements established in state regulations. It allows the commissioner to suspend or revoke this approval, however, if she has reason to believe that the individual has (1) failed to comply substantially with these state regulations, (2) knowingly made, or caused to be made, any false or misleading statements to OEC, or (3) engaged in any other behavior that makes him or her unsuitable to work in such a position.

The procedures below do not apply to the denial of an initial application for an approval to work as a head teacher or an educational consultant in a licensed child care center or group care home, provided the commissioner must notify the applicant of the denial and the reasons for it by mailed written notice to the address the applicant listed on the application.

Notice of Suspension or Revocation

Under the act, if the commissioner intends to suspend or revoke approval, she must notify the person by certified mail, stating the particular reasons for her intended action.

Request for a Hearing

Under the act, an individual who receives this notice may apply in writing for a hearing. He or she must state in plain language why he or she is aggrieved by the intended suspension or revocation. The application must be delivered to the commissioner within 30 days after the person receives the notification.

Hearing

The commissioner must hold a hearing or cause one to be held within 60 days of receiving the application. She must also mail a notice of the hearing's date and time to the person at least 10 days before the hearing. The commissioner or a hearing officer the commissioner appoints in writing may conduct the hearing. The person and the commissioner or hearing officer may issue subpoenas requiring witnesses to attend. He or she must be allowed to have legal representation, and a hearing transcript must be made.

Decision

If a hearing officer conducts the hearing, he or she must state his or her findings and make a recommendation to the commissioner about the suspension or revocation. The commissioner, based upon her findings or those of a hearing officer, must render a written decision suspending, revoking, or continuing the approval. A decision to suspend or revoke approval takes effect 30 days after it is mailed to the person by registered or certified mail. Any person whose approval has been revoked is ineligible to apply for an approval for one year after the revocation's effective date.

Appeal of Hearing Decision

Anyone aggrieved by the decision may appeal under the Uniform Administrative Procedures Act procedures in the New Britain judicial district court.

§ 14 — MINIMUM AGE FOR THREE-YEAR-OLD PRESCHOOL PROGRAM ENROLLMENT

The act allows a child care center or group child care home that is state-licensed with a preschool endorsement to deem a child ages 32 – 36 months old to be three years old for purposes of enrolling him or her in a preschool program

the center or home provides. But the center or home may only do so with written authorization from the child's parent or guardian and the program director.

State regulations allow preschool enrollment for students of this age only in the months of September, October, November, and December if they turn three on or before January 1 (Conn. Agencies Regs. § 19a-79-3a(l)). Under the act, students of this age may enroll at any time in the school year.

BACKGROUND

School Readiness Staff Qualifications Report

OEC must submit an annual report to the Education Committee describing school readiness programs' compliance with the staff qualification requirements established in state law (CGS § 10-520a). These requirements call for lead classroom teachers in state-funded child care programs to meet increasingly higher educational standards over the next ten years (CGS § 10-16p(b), as amended by PA 19-34).

Birth to Three

The Birth to Three program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. Eligible families work with service providers to develop individualized family service plans. OEC is the state's lead agency for the program.

PA 19-122—SB 850

Education Committee

AN ACT CONCERNING AN EXEMPTION FROM THE LICENSING REQUIREMENTS FOR CHILD CARE SERVICES

SUMMARY: Existing law exempts certain child care service providers from state licensing requirements, including public school systems, municipalities, and a number of organizations or arrangements specified in statute. This act adds the Leadership, Education, and Athletics in Partnership, Inc., a New Haven-based nonprofit youth development organization, to the list of exempted service providers.

By law, all license-exempt entities and organizations must notify participating children's parents or guardians that they are not licensed by the Office of Early Childhood to provide child care services (CGS § 19a-77(c)).

EFFECTIVE DATE: Upon passage

PA 19-128—sSB 957

Education Committee

Appropriations Committee

AN ACT CONCERNING COMPUTER SCIENCE INSTRUCTION IN PUBLIC SCHOOLS

SUMMARY: This act adds computer science to the list of subjects that public schools must teach. It makes computer programming a required component of computer science instruction, rather than a stand-alone instruction subject as under prior law (§ 1). It also establishes the "computer science education account" in the General Fund (§ 10).

The act also requires the State Board of Education (SBE) to adopt regulations by July 1, 2020, that create a computer science teaching endorsement. It makes several related changes, including requiring (1) teacher preparation programs to revise their computer-related curricula, (2) the development of an alternate route to certification (ARC) program for computer science, and (3) a computer science subject area assessment for teacher preparation and allowing satisfactory scores on this assessment to substitute for existing law's subject area certification requirements (§§ 2-6).

Additionally, the act makes the following changes in laws relating to job training and placement in technological industries:

1. allows the Department of Economic and Community Development (DECD) to develop a model internship

- program for technology and advanced manufacturing (§ 7);
- 2. adds computer science to the Connecticut Employment and Training Commission's (CETC) statewide plan regarding certificate, middle college, early college high school, and Early College Opportunity programs (§ 8);
- 3. allows DECD to identify and coordinate state resources to meet the needs of industries with anticipated job growth areas in consultation with other state agencies (§ 9); and
- 4. requires that the creation of student success plans for public school students in grades 6 – 12 consider career and academic choices in computer science, science, technology, engineering, and math (§ 11).

Lastly, the act requires SBE to allow applicants for teacher certification in a subject shortage area to meet a less stringent standard on the subject area assessment, using a "satisfactory" rather than an "excellent" test score as a substitute for the subject area certification requirements in law. This score standard is similar to those required by law for tests leading to other types of teaching certification (§ 6).

EFFECTIVE DATE: July 1, 2019, except the provisions about (1) the new teacher preparation program curricula take effect July 1, 2020 (§ 2), and (2) SBE's development of the computer science subject area assessment and DECD's coordination of state resources for industry talent needs take effect upon passage (§§ 5 & 9).

§ 2 — CURRICULA FOR TEACHER PREPARATION PROGRAMS

Until July 1, 2020, the law requires that teacher preparation programs leading to professional certification include a computer and information technology skills component, as applied to student learning and classroom instruction, communications, and data management. Starting July 1, 2020, the act instead requires that the programs include instruction in computer science, specifically. With respect to information technology skills, the act (1) requires that they be grade level- and subject area-appropriate and (2) eliminates the requirement that they be applicable to communications and data management.

§ 3 — ARC PROGRAM FOR COMPUTER SCIENCE

The act requires the Office of Higher Education (OHE), in collaboration and consultation with the State Department of Education (SDE), to develop an ARC program for computer science teachers, which must include mentored apprenticeships and program admission criteria.

§§ 4-6 — COMPUTER SCIENCE ENDORSEMENT AND ASSESSMENT

Existing law requires SBE to adopt regulations providing certification standards for computer science teachers. The regulations must allow applicants to meet these requirements by completing prescribed courses of study or through other experience SBE deems appropriate.

By July 1, 2020, the act requires that these regulations also create a computer science teaching endorsement. It requires SBE to approve and adopt, by January 1, 2020, a computer science subject area assessment for teacher certification. Beginning July 1, 2020, SBE must allow computer science certificate applicants or currently certified teachers in other subject areas seeking to teach computer science to substitute a satisfactory score on the assessment for the subject area certification requirements in law.

§ 7 — MODEL INTERNSHIP PROGRAM

The act allows DECD to (1) develop by July 1, 2020, and within available appropriations, a model internship program to help Connecticut businesses provide college internships in the fields of technology and advanced manufacturing and (2) make the model available on its website.

§ 8 — CETC PLAN

By law, CETC must develop a plan for implementing, expanding, or improving upon career certificate, middle college, early college high school, and Early College Opportunity programs. The plan must include education, training, and job placement in specified fields. The act adds computer science to the list of fields the plan must address.

By law, CETC must develop this plan in collaboration with the Connecticut state colleges and universities, SDE, and regional workforce development boards.

§ 9 — DECD COORDINATION OF RESOURCES TO MEET INDUSTRY TALENT NEEDS

The act allows DECD, in consultation with the Labor Department (DOL) and OHE, to identify the following:

1. anticipated areas of statewide and regional job growth in Connecticut over the next five and 10 years;
2. existing or projected needs for certificate programs, degree programs, and short- and long-term noncredit training programs to support job growth areas;
3. the certificate programs, degree programs, and noncredit training programs in the state that are most in demand by employers and students;
4. the percentage of graduates from these programs employed in Connecticut two years after graduation and the fields and industries in which they are employed; and
5. growth capacity in high-demand academic programs offered by in-state higher education institutions.

DECD may also consult with DOL and OHE to coordinate with the following:

1. state and quasi-public agencies, to prioritize and align state resources to meet the state's existing and future talent needs, and
2. municipal leaders, to (a) share the results of the above analysis with employers, public and private Connecticut higher education institutions, and other stakeholders and (b) develop a program to award grants to support evidence-based solutions to cultivate, attract, hire, and retain workers in high-demand fields and industries.

This grant program may include internship programs, education programs, incentives to attract mid-career workers, and fellowship programs to attract and retain recent graduates.

§ 10 — COMPUTER SCIENCE EDUCATION ACCOUNT

The act establishes the computer science education account as a separate, nonlapsing account in the General Fund. It must contain (1) money required or allowed by law to be deposited in the account and (2) funds received from any public or private contributions, gifts, grants, donations, bequests, or devises.

Under the act, SDE may spend the account funds to support curriculum development, teacher professional development, capacity development for school districts, and other programs that support computer science education.

§ 11 — STUDENT SUCCESS PLANS

By law, local and regional boards of education must create an annual student success plan for each public school student starting in grade six. The act requires the boards, when creating these plans, to consider career and academic choices in computer science, science, technology, engineering, and math.

BACKGROUND

Related Acts

PA 19-58 (§ 3) requires that student success plans also include evidence of career exploration, including manufacturing careers.

PA 19-74 (§ 3) also expands teacher certification eligibility in a designated subject shortage area to include individuals receiving a satisfactory score in an SBE-approved assessment for the subject shortage area.

PA 19-130—sSB 1018

Education Committee

Appropriations Committee

AN ACT CONCERNING THE OPPORTUNITY GAP

SUMMARY: This act restricts how priority school district (PSD) grants can be spent by tying the grant to improvements in a school district's accountability index (AI) score (see BACKGROUND). Grant recipients that do not have an increased AI score can only spend the grant money on (1) reading instruction, (2) numeracy instruction, and (3) efforts to reduce chronic absenteeism. Under prior law, the grants could be used for a variety of program purposes without regard to a district's AI score.

For grant recipients that are not subject to the above restrictions, the act expands the allowed uses for PSD grants. It also changes some reporting requirements for all PSDs.

In addition, it requires the Technical Education and Career System (TECS) board (i.e., technical high school board) to identify a list of critical construction trades that are essential to the state's construction workforce needs and sets a deadline to develop a plan to create new programs or expand existing ones.

The act also makes minor and conforming changes.

EFFECTIVE DATE: July 1, 2019

§ 1 — PSD GRANTS

Under the act, the education commissioner must determine by March 1, 2022, whether each PSD's AI has improved during the 2018-19 to 2020-21 school years. The act establishes a two-track process to impose grant conditions on these districts during the 2022-23 to 2024-25 school years.

If AI scores have improved, the district may expend its PSD grant on any of the existing PSD grant purposes, plus a few new ones added by the act (see below).

If scores have not improved, the education commissioner must develop a three-year plan for the district's PSD grant, and the district may only spend the grant on (1) scientifically-based reading research and instruction, (2) numeracy instruction, and (3) support for chronically absent children and district chronic absenteeism rate reduction.

The act removes the requirement that all proposals for grants prioritize the development or expansion of extended-day kindergarten programs.

Changes to PSD Grant Allowed Uses

For districts that do not have any restrictions on how they can use their PSD grant, the act expands the list of allowable grant uses to include (1) numeracy instruction and (2) support for chronically absent children and efforts to reduce the district chronic absenteeism rate. By law, unchanged by the act, the grants can also be used for such programs as (1) dropout prevention; (2) alternative education for students having difficulty in traditional education programs; and (3) academic enrichment, tutoring, and recreation during non-school hours and the summer. The act also substitutes scientifically-based reading research and instruction for early reading intervention programs.

§ 3 — REPORTING REQUIREMENTS

By law, each PSD must prepare an annual evaluation. Prior law required that the evaluation include documentation of program improvement and student achievement. The act instead requires a description of whether the program is (1) improving student achievement and enhancing educational opportunities in the district and (2) achieving the commissioner-approved objectives and performance targets in the school district's proposal or the plan developed by the commissioner, as appropriate.

By law and unchanged by the act, the evaluation must also (1) describe program activities and (2) be submitted to the education commissioner by August 15 of the fiscal year following the year in which the district participated in the PSD program.

The act also requires the State Board of Education to prepare an annual, rather than triennial, evaluation of the program, due July 1, 2020, rather than December 15 as under prior law.

§§ 4 & 5 — NEW TECS PROGRAMS AND CRITICAL CONSTRUCTION TRADES

New TECS Program Factors

By law, the TECS board must consider adding new trade programs to the technical high school, and such decisions must be based on at least the following factors:

1. projected employment demand for program graduates,
2. the cost of establishing the program,
3. availability of qualified instructors,
4. existence of similar programs at other educational institutions, and
5. student interest in the trade.

The act requires the board to additionally consider (1) the need to diversify the trade with workers from underrepresented populations and (2) workforce training needs of students, graduates, and residents of alliance districts

and priority school districts and students and graduates of priority schools. (Alliance districts are the 30 lowest performing school districts when measured by AI scores. Priority schools are schools in which 40% or more of the lunches are served to students eligible for free and reduced priced lunches under federal law and regulation, not including schools in PSDs.)

Critical Construction Trades

The act requires the TECS board, in consultation with the Labor Department, to identify by October 1, 2019, a list of critical construction trades that are essential to the state's construction workforce needs. In developing the list, the board must consider the same factors that TECS must consider regarding new trade programs as expanded by the act (see above). The board must post and update the list of critical construction trades on its website.

Further, the act requires the TECS board to develop a plan by July 1, 2020, and within available appropriations to create new or expand existing programs in these critical construction trades.

BACKGROUND

Accountability Index (AI)

AI is the performance score the State Department of Education calculates for each public school and school district. The index consists of multiple weighted student, school, or district-level measures (CGS § 10-223e). One measure is performance index scores (i.e., the statewide mastery test scores for student subgroups, schools, or districts as specified in the subject areas below) along with additional indicators as chosen by the department.

The indicators are as follows:

1. English language arts (ELA) and math performance indices (for all students and separately for high needs students);
2. ELA average percentage of growth target achieved (for all students and separately for high needs students);
3. math average percentage of growth target achieved (for all students and separately for high needs students);
4. chronic absenteeism (for all students and separately for high needs students);
5. preparation for college and career readiness (CCR) (i.e., percentage of students taking rigorous courses while in high school, such as advanced placement or dual enrollment, career and technical education, or workplace experience);
6. preparation for CCR (i.e., percentage passing exams in rigorous courses);
7. on-track to high school graduation;
8. four-year graduation (for all students);
9. six-year graduation (for high needs students);
10. postsecondary entrance; and
11. physical fitness and arts access.

PSDs

By law, SDE determines the PSDs each year. The PSDs for 2018-19 were Ansonia, Bridgeport, Danbury, Derby, East Hartford, Hartford, Meriden, Manchester, New Britain, New Haven, New London, Norwalk, Norwich, Putnam (transitioning out), Stamford, Waterbury, and Windham. PSDs are school districts (1) in the state's most populous cities and (2) with the greatest number and proportion of educationally and economically needy students.

PA 19-139—HB 7113

Education Committee

AN ACT CONCERNING EDUCATION ISSUES

SUMMARY: This act makes the following unrelated changes in the education statutes:

1. removes the requirement that boards of education enter into written contracts with private special education providers in order to receive certain state reimbursement grants (§ 1);
2. repeals an expedited teacher tenure provision for teachers or administrators who were previously tenured in one

- district and subsequently transfer into a priority school district (§ 2);
- 3. establishes a working group to study issues related to implementing the pre-service teacher performance assessment known as “edTPA,” which the State Board of Education (SBE) adopted (§ 3); and
- 4. allows non-*Sheff* magnet schools that are not in compliance with the state’s minority student enrollment requirements to continue to be eligible for magnet school operating grants for FYs 20 and 21 if the schools submit a compliance plan to the education commissioner and he approves it (§ 4).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019, except the edTPA working group provisions take effect upon passage.

§ 1 — SPECIAL EDUCATION REIMBURSEMENT GRANTS

The act removes the requirement that local and regional boards of education enter into written contracts with private special education providers in order to receive the following grants for the costs of these providers’ services:

- 1. full reimbursement (i.e., 100% of costs) for providing special education services to “no nexus” students placed in private residential facilities by a public agency or in a facility operated by the Department of Children and Families (such students’ public school district of origin cannot be determined) and
- 2. a supplemental special education grant (which is no longer funded in practice).

Existing law, unchanged by the act, requires such contracts for an excess cost grant for students receiving special education services whose costs exceeded 4.5 times the per pupil cost for a board to educate a student.

§ 2 — TENURE FOR PRIORITY SCHOOL DISTRICT TEACHERS

The act repeals a provision that allowed a certified teacher or administrator who previously earned tenure in a Connecticut or out-of-state school district to be awarded tenure at a priority school district after teaching there for one school year. Thus, such a teacher or administrator must teach for two school years at the priority school district to be eligible for tenure, as is generally required under existing law for teachers moving from one district to another.

§ 3 — PRE-SERVICE TEACHER PERFORMANCE ASSESSMENT

The act establishes a working group to study issues related to implementing the pre-service teacher performance assessment known as edTPA. (SBE adopted a resolution on December 7, 2016, requiring teacher preparation programs to use edTPA.) The working group must submit its findings and recommendations to the Education Committee by January 1, 2020.

The working group must examine how teacher preparation programs in the state are implementing the edTPA assessment and in particular:

- 1. the associated financial costs for colleges, universities, and enrolled students;
- 2. whether it is evidence-based or a best practice;
- 3. whether other states are using edTPA as part of teacher preparation programs or requiring it for professional certification; and
- 4. any effect on world language instruction.

Working Group Members and Chairperson Selection

The group consists of seven members, listed in the table below with their qualifications and appointing authorities.

Membership of the edTPA Working Group

<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
House speaker	Connecticut teacher preparation program professor
Senate president pro tempore	Connecticut teacher preparation program dean
House majority leader	Person with expertise in teacher preparation pre-service performance assessments
Senate majority leader	Connecticut teacher preparation program student
House minority leader	Connecticut teacher preparation program student

Membership of the edTPA Working Group (continued)

<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
Senate minority leader	Connecticut teacher preparation program recent graduate
N/A	Education Commissioner or his designee

Under the act, appointments must be made by August 8, 2019. Vacancies are filled by the appointing authority.

The education commissioner or his designee must schedule the first meeting, which must be held by September 7, 2019. The working group members elect the chairperson from among the members at the first meeting. The Education Committee’s administrative staff must serve in that capacity for the working group.

The working group terminates when it submits its report or January 1, 2020, whichever is later.

§ 4 — MAGNET SCHOOL NON-COMPLIANCE PLAN

The act permits a non-*Sheff* magnet school that is not in compliance with the state’s minority student enrollment requirements (i.e., integration requirements) to continue to be eligible for magnet school operating grants in FYs 20 and 21 if the school submits a compliance plan to the education commissioner and he approves it. The act does not specify a deadline by which a school must submit its plan.

PA 19-173—sHB 7250

Education Committee

AN ACT CONCERNING THE INCLUSION OF ADDITIONAL TIME DEVOTED TO UNDIRECTED PLAY TO THE REGULAR SCHOOL DAY

SUMMARY: This act expressly allows local or regional boards of education to offer an additional amount of time for “undirected play” in public elementary schools beyond existing law’s requirement for at least 20 minutes of daily physical exercise. (The act does not define “undirected play.”)

It also requires each board of education to adopt a policy by October 1, 2019, addressing school employees who discipline elementary school students by preventing participation in the (1) undirected play period and (2) required physical activity period. Prior law required boards to adopt a policy by October 1, 2013, addressing only employees who discipline students using the second method.

Additionally, the act establishes a nine-member task force to study the issues related to, and the feasibility of, devoting time to undirected play during the regular public elementary school day. It requires the task force to submit a report of its findings and recommendations to the Education Committee by January 1, 2020, and terminate on that date or when it submits its report, whichever is later.

EFFECTIVE DATE: July 1, 2019, except the task force provisions take effect upon passage.

TASK FORCE

The table below lists the appointing authorities and criteria for the task force members. Under the act, all appointments must be made by August 11, 2019. The appointing authorities may select General Assembly members who meet the act’s appointee criteria and must fill any vacancies that may arise.

Task Force Members

<i>Appointing Authority</i>	<i>Appointee Criteria</i>
House speaker	One Connecticut Association of Boards of Education representative One public school student parent’s or guardian

Task Force Members (continued)

<i>Appointing Authority</i>	<i>Appointee Criteria</i>
Senate president pro tempore	One Connecticut Education Association representative One public school student parent's or guardian
House majority leader	One American Federation of Teachers-Connecticut representative
Senate majority leader	One Connecticut Association of Public School Superintendents representative
House minority leader	One Connecticut Association of School Administrators representative
Senate minority leader	One Connecticut Association of Schools representative
(N/A)	Education commissioner (or his designee)

The act requires the House speaker and Senate president pro tempore to select the task force chairpersons from among the appointees. The chairpersons must schedule the first meeting, which must be held by September 10, 2019.

Under the act, the Education Committee's administrative staff serves as the task force staff.

PA 19-179—HB 7313

Education Committee

AN ACT CONCERNING HOMELESS STUDENTS' ACCESS TO EDUCATION

SUMMARY: Existing law establishes an appeals process when students are denied access to school accommodations, including transportation, to attend a local or regional public school.

This act:

1. adds unaccompanied youth to existing law's appeals process, generally requiring boards of education to notify students of hearings and decisions;
2. modifies the burden of proof in cases where the child is claiming to be homeless; and
3. establishes additional steps that boards must take in the case of a homeless child.

The act uses the federal law's definition of "unaccompanied youth," which includes a homeless child or youth not in the physical custody of a parent or guardian (42 U.S.C. § 11434a).

Additionally, the act specifically permits unaccompanied and homeless youth to continue attending, or be allowed to enroll in, the school of their choice while the appeals process takes place. Existing law already permits this in cases of questioned residency and school accommodation for other types of students.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

PUBLIC SCHOOL ACCOMMODATION

Under the state's existing school accommodation law, a school district must provide school accommodation, including transportation, so that each child ages five through 20 who is not a graduate may attend public school. And any board of education that denies school accommodation, including denials based on the student not being a school district resident, must inform the child's parents or guardians of their right to a hearing. In the case of an emancipated minor or a student aged 18 or older, the board must notify the student.

The act adds to this requirement that in the case of an unaccompanied youth, the board must notify the youth. The act also incorporates unaccompanied youths into the appeals process, and it specifically requires them to receive appeals notices and hearing and formal session transcripts upon request.

BURDEN OF PROOF

By law, in cases where school access is denied based on residency, the party denied schooling has the burden of proving residency in the school district where he or she was denied by a preponderance of the evidence. The act changes

this only for homeless students. Under the act, if the student claims to be homeless, the party claiming ineligibility has the burden of proving, also by a preponderance of the evidence, that the student denied schooling is not homeless in accordance with the federal law (see BACKGROUND).

ADDITIONAL REQUIREMENTS

The act adds specific requirements that a board of education must follow if a homeless child or youth is denied accommodation by the board, a subcommittee, or an impartial hearing board. (Boards of education are allowed to use any of those three mechanisms to determine accommodation cases.) The act requires the board to provide the homeless child or youth, or his or her parent or guardian, with (1) a written explanation of the reasons for the denial that is in a manner and form understandable to them and (2) information about the right to appeal the decision. Federal law also imposes these requirements (42 U.S.C. § 11432(g)(3)(E)).

The board must also refer the child or the child's parent or guardian to the homeless student liaison that each district must designate as required by federal law.

BACKGROUND

McKinney–Vento Homeless Assistance Act

Under federal law, states must ensure that each homeless child and homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children. States must also take steps to ensure that their laws regarding school district residency do not create obstacles for homeless students to attend school (42 U.S.C. § 11431 et seq.).

PA 19-184—sHB 7353
Education Committee

AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION

SUMMARY: This act makes changes in education statutes relating to special education as summarized in the section-by-section analysis below. Among the changes, the act does the following:

1. designates responsibility for providing services and paying costs for students with 504 plans (i.e., the student accommodation plan under the federal Rehabilitation Act of 1973) (§ 8);
2. prohibits local or regional boards of education from disciplining, suspending, terminating, or otherwise punishing their employees for making recommendations about special education and related services for a child in planning and placement team (PPT) meetings (§ 1);
3. requires the creation of new service and accommodation plans for students who are deaf or hard of hearing, and requires various state entities to address “emergency communication plans” in the school safety guidance they issue to school districts (§§ 3-5);
4. requires the State Department of Education (SDE) to establish a working group to study language skills assessment for students whose primary disability is identified as deaf or hard of hearing or both blind or visually impaired and deaf (§ 6);
5. establishes a working group to study issues related to student transitions between Birth to Three (see BACKGROUND) and kindergarten special education services (§ 2);
6. requires local or regional boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented (§ 7);
7. requires SDE’s Individual Education Program (IEP) Advisory Council to study the authorization of private therapists to provide special education and related services directly to students at school during the regular school day (§ 9); and
8. requires any private special education provider that has a contract with a local or regional board of education to inform the board about certain complaints against the provider (§ 10).

EFFECTIVE DATE: July 1, 2019, except the provisions about the Birth to Three working group (§ 2), state agencies’ revisions to school safety guidance (§§ 4 & 5), and the study of private therapist authorization (§ 9) take effect upon

passage.

§ 2 — SPECIAL EDUCATION WORKING GROUP

The act establishes a working group to study issues related to providing special education and related services during the period in which a child is no longer eligible for Birth to Three program services (see BACKGROUND) and is not yet enrolled in kindergarten.

The working group also must review and evaluate the practices and policies of the Office of Early Childhood (OEC) or local or regional boards of education that may result in a child experiencing a disruption in, or cessation of, services during this period.

Working Group Report

The group must submit a report to the Education Committee by January 1, 2020, on its findings and recommendations. It terminates on the date it submits the report or January 1, 2020, whichever is later.

Membership

Under the act, the working group is comprised of the following 13 members:

1. the OEC commissioner, or her designee;
2. the education commissioner, or his designee;
3. the child advocate (presumably, from the Office of the Child Advocate);
4. a representative from the Connecticut Association of Public School Superintendents;
5. three Birth to Three program service providers, selected by the OEC commissioner; and
6. one representative from each of the six regional education service centers (RESCs), selected by the RESCs, who are responsible for their respective center's special education services.

The act requires all member selections to be made by August 11, 2019. The OEC commissioner must fill any vacancy on the working group.

Group Meetings and Staff

Under the act, the OEC commissioner must schedule and hold the first working group meeting by September 10, 2019. The group must elect a chair from its members at the first meeting.

The Education Committee's administrative staff must serve as the working group's administrative staff.

§§ 3-5 — PLANS FOR DEAF OR HARD OF HEARING STUDENTS

The act requires the creation of new service and accommodation plans for students who are deaf or hard of hearing, or both blind or visually impaired or deaf, and requires various state entities to address such plans in the guidance they issue to school districts.

Language and Communication Plans (§ 3)

Under existing law, students who are eligible for special education and related services and are identified as deaf or hard of hearing must have a language and communication plan included in their individualized education program (IEP) (i.e., a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals). The act requires students with 504 plans to also have a language and communication plan.

By law, a language and communication plan must address the following:

1. the student's primary language or mode of communication;
2. opportunities for direct communication with peers and professional personnel in the student's primary language or mode of communication;
3. available educational options;
4. qualifications of teachers and other professional personnel administering the plan, including their proficiency in the student's primary language or mode of communication;
5. accessibility of academic instruction, school services, and extracurricular activities for the student;

6. assistive devices and services for the student; and
7. communication and physical environment accommodations for the student.

Additionally, the act adds an eighth required element for language and communication plans: an emergency communication plan, which includes procedures to alert the student and ensure that his or her specific needs are met during an emergency situation.

Emergency Communication Plans (§§ 4 & 5)

The act requires various state agencies to consider emergency communication plans in the formal guidance they issue to school districts about school emergency procedures and construction projects. It defines these plans as ones that are developed for students who are either (1) deaf or hard of hearing or (2) blind or visually impaired and deaf.

School Security and Safety Plans. The act requires the Department of Emergency Services and Public Protection (DESPP), in consultation with SDE, to revise its school security and safety plan standards by October 1, 2019, to include provisions relating to emergency communication plans. Local and regional boards of education must revise their own school security and safety plans by January 1, 2020, to include similar provisions.

School Safety Infrastructure Criteria. The act requires the School Safety Infrastructure Council to revise the school safety infrastructure criteria for school building projects by October 1, 2019, to include provisions relating to emergency communication plans.

§ 6 — LANGUAGE SKILLS ASSESSMENT

The act requires SDE to establish a working group within the department on language assessment for students identified as deaf or hard of hearing, or both blind or visually impaired and deaf. The group must develop guidelines on (1) appropriate language assessments, (2) practices and programs, and (3) provision of intermediate interventions when a student does not demonstrate progress in age-appropriate expressive and receptive language skills.

§ 7 — GIFTED AND TALENTED STUDENTS

The act requires local or regional boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented. The notice must include, at a minimum, the following information:

1. an explanation of how the student was identified and
2. the contact information for (a) any Connecticut associations that provide support to gifted and talented students; (b) the SDE employee designated to provide information and assistance to families and school districts about gifted and talented students; and (c) the school district employee in charge of providing services to gifted and talented students, or, if there is no such employee, the school district employee in charge of special education and related services.

§ 8 — SERVICES AND ASSOCIATED COSTS FOR MAGNET SCHOOL STUDENTS WITH 504 PLANS

For students with 504 plans attending interdistrict magnet schools, the act apportions responsibility for ensuring service delivery and covering associated educational costs between the students' sending district and magnet school operator.

Service Delivery

Under the act, the magnet school that the student attends bears responsibility for ensuring that all services outlined in the student's 504 plan are provided, whether provided by the magnet school itself or the sending district. This only applies for students who attend the magnet school full-time.

Associated Costs

Under the act, the sending district must pay such student's associated educational costs, calculated by subtracting from the reasonable cost of educating the student the sum of (1) the amount received by the magnet school for that student as a per-pupil state operating grant plus (2) any other amounts received from state, federal, local, or private sources calculated on a per-pupil basis.

§ 9 — STUDY OF PRIVATE THERAPISTS PROVIDING SPECIAL EDUCATION SERVICES

The act requires SDE's IEP Advisory Council to study by July 1, 2020, the authorization of private therapists to provide special education and related services directly to students at school during the regular school day. The study must examine issues relating to (1) including such authorization in a child's IEP and (2) using a parent's or guardian's private insurance to cover the cost of these services. SDE must submit the study and any recommendations to the Education Committee.

§ 10 — PRIVATE SPECIAL EDUCATION PROVIDER TRANSPARENCY

The act requires any private special education provider that has a contract with a local or regional board of education to inform the board about the following:

1. all complaints received against the provider about mistreatment of students who receive special education services from the provider,
2. the resolution or outcome of such complaints and any corrective action taken as a result of the complaints, and
3. any programming or service changes as a result of a complaint for students under the board's jurisdiction.

BACKGROUND

Related Acts

PA 19-52 requires DESPP, in consultation with SDE, to reevaluate and update school security and safety plan standards every three years, starting by January 1, 2020. It also requires SDE to distribute the standards to all public schools.

Birth to Three

The Birth to Three program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. Eligible families work with service providers to develop individualized family service plans. OEC is the state's lead agency for the program.

Children who complete Birth to Three and are assessed as eligible for early childhood special education must be referred to their school district to transition to public school services beginning at age three (20 U.S.C. § 1437(a)(9)). State law also recognizes this transition (CGS §§ 17a-248d(e) & 17a-248e(b)).

PA 19-195—sHB 7258

Education Committee

AN ACT CONCERNING THE ESTABLISHMENT OF A FIRM GRADUATION DATE

SUMMARY: Prior law allowed a local or regional board of education to set a firm graduation date before April 1 that was no earlier than the 185th day noted in the board-adopted school calendar for that year. It also required a board to wait until at least April 1 of a school year to set a firm high school graduation date that provided at least 180 days of school (i.e., the minimum required number of days).

The act instead allows a board to establish, at any time in the school year, a firm graduation date that is no earlier than the 180th day of the board-adopted school calendar for that year.

EFFECTIVE DATE: July 1, 2019

PA 19-3—sSB 893

Environment Committee
Appropriations Committee

AN ACT CONCERNING A PILOT PROGRAM FOR HEMP PRODUCTION

SUMMARY: This act requires the state Department of Agriculture (DoAg) commissioner to establish and operate a hemp research pilot program in Connecticut. Until he adopts related regulations, the commissioner must use procedures and guidance policies that meet specified minimum standards and are consistent with federal law (see BACKGROUND).

The act also requires the DoAg commissioner to prepare a hemp production state plan in accordance with federal law for approval by the governor and attorney general. He must do this in consultation with the Office of the Chief State's Attorney. Once approved, the commissioner must submit the plan to the U.S. Department of Agriculture (USDA) secretary for approval.

The act establishes licensing requirements, qualifications, and fees for hemp growers, processors, and manufacturers. It requires DoAg to license and regulate growers and processors and the Department of Consumer Protection (DCP) to license and regulate manufacturers. (A manufacturer converts hemp into a product intended for human consumption (i.e., a "consumable").)

The act also establishes inspection and testing requirements for growers and processors, as well as independent testing requirements for manufacturers, to ensure that hemp plants and products comply with state and federal requirements. It imposes penalties for violations.

Under the act and federal law, "hemp" is the plant *Cannabis sativa* L. and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

The act specifies that its production and manufacturer provisions do not apply to palliative (i.e., medical) marijuana licensees.

Additionally, the act requires the DoAg and DCP commissioners to report to the Environment Committee by February 1, 2020, on the status of the pilot program, the state plan, and any related regulations. The report must also provide any legislative recommendations, including any for requiring registration of consumables offered for sale in the state.

Lastly, the act makes minor and conforming changes to indicate that hemp (instead of "industrial hemp") is not a controlled substance.

EFFECTIVE DATE: Upon passage

HEMP PRODUCTION PILOT PROGRAM

Under the act, the DoAg commissioner must establish and operate a hemp research pilot program that enables DoAg, and its licensees, to study ways to cultivate, process, and market hemp. The act requires all grower and processor licensees to participate in the pilot program and be licensed in accordance with the act's provisions (see below).

Until the commissioner adopts regulations as required under the act, DoAg must use procedures and guidance policies that he deems to be consistent with federal law. At a minimum, the procedures and policies must require the following:

1. the DoAg commissioner to certify and register sites used to grow hemp;
2. anyone who grows hemp to produce plants that meet the definition of hemp (i.e., cannabis that does not exceed the maximum allowed THC level) and verify as such;
3. hemp growers to maintain records and make them available to the commissioner for inspection; and
4. laboratory verification of compliance with the definition of hemp, at the licensee's expense.

The DoAg commissioner must operate the pilot program until the earlier of the (1) date USDA approves a hemp production state plan in accordance with federal law or (2) repeal of the federal law permitting a hemp production pilot program.

The commissioner may enter into an agreement with any state or federally recognized Indian tribe to help the tribe develop a pilot program under the federal law or to have applicants from the tribe participate in DoAg's pilot program.

HEMP PRODUCTION STATE PLAN

The act requires the DoAg commissioner to prepare a hemp production state plan in accordance with federal law for approval by the governor and attorney general. He must do this in consultation with the Office of the Chief State's

Attorney. Once approved, he must submit the plan to the USDA secretary for approval.

The act authorizes the commissioner to amend the state plan as needed to comply with federal law. He must do this in consultation with the governor, attorney general, and Office of the Chief State's Attorney.

DOAG ENFORCEMENT POWER

The act grants the DoAg commissioner authority to enforce the relevant federal law, the state plan, the act's provisions regarding hemp production, and related regulations. It also authorizes him to enforce the applicable processing standard for hemp products that are not consumables.

Additionally, the act allows the commissioner to consult, collaborate, and enter into cooperative agreements with any federal or state agency or state municipality as necessary to implement its provisions.

HEMP GROWERS, PROCESSORS, AND SELLERS

Growers and Processors

The act requires anyone who cultivates or processes hemp to obtain a license from DoAg; only acquire certified seeds; and transport hemp and hemp samples in a way, and with documentation, the commissioner requires.

"Certified seed" means hemp seed for which a certificate has been issued by an agency (1) authorized under the laws of a U.S. state, territory, or possession to officially certify hemp seed and (2) with standards and procedures approved by the USDA secretary to assure the seed's genetic purity and identity.

Sellers

Under the act, hemp product sellers do not need to be licensed if they only engage in the following activities:

1. retail or wholesale sale of hemp or hemp products that require no further processing or manufacturing and that are obtained from someone authorized by law in Connecticut, another U.S. jurisdiction, or another country;
2. acquire hemp or hemp products only for resale; or
3. retail sale of hemp products that are authorized under federal or state law.

GROWER AND PROCESSOR REQUIREMENTS

License Application

An applicant for a grower or processor license must submit an application to DoAg that contains the following information:

1. the applicant's name and address;
2. the name and address of the plot where hemp will be cultivated (i.e., planted, grown, and harvested) or processed (i.e., used or converted into a non-consumable commodity);
3. the global positioning system (GPS) coordinates, legal description, and acreage size of the plot where hemp will be cultivated;
4. written consent for the DoAg commissioner to conduct scheduled and random inspections of and around the premises where hemp will be cultivated, harvested, stored, and processed; and
5. any other information the commissioner requires.

All documents included in a license application are subject to disclosure under the Freedom of Information Act, except for any describing or outlining a licensee's security schematics and the results of any criminal history check.

Grower Licensee Requirements and Qualifications

The act requires the applicant, on-site manager, and signing authority for a grower license to submit to state and national fingerprint-based criminal history checks. They must pay for the checks themselves and provide the DoAg commissioner the results. Anyone convicted of a felony is ineligible to obtain a grower license.

An "on-site manager" is the person the licensee designates as responsible for on-site management and operations. A "signing authority" is the applicant's agent authorized to commit the applicant to a binding agreement.

Testing Expenses

The act requires each grower or processor license applicant to pay all costs of testing and resampling any hemp samples at a laboratory to determine THC levels.

Under the act, a “laboratory” must be located in Connecticut and be one of the following:

1. licensed by DCP to analyze controlled substances;
2. the University of Connecticut;
3. the Connecticut Agricultural Experiment Station;
4. the state Department of Public Health;
5. the U.S. Food and Drug Administration;
6. USDA; or
7. a testing laboratory that meets International Organization for Standardization (ISO) standard 17025, as accredited by a third-party accrediting body, such as the American Association for Laboratory Accreditation or the Assured Calibration and Laboratory Accreditation Select Services.

License Approval

The DoAg commissioner may grant a grower or processor license to an applicant if he finds that the applicant meets the applicable requirements. While the pilot program is operating, he may grant a conditional approval for a grower license, pending the receipt of the required criminal history check.

License Duration and Fees

A grower or processor license expires on the second December 31 after its issuance and is renewable during the preceding October. Licenses are not transferable.

The act establishes the following nonrefundable fees:

1. \$50 application fee;
2. grower license fee of \$50 per acre of planned hemp plantings;
3. \$250 processor license fee; and
4. if the DoAg commissioner has to resample hemp because a test shows a violation of the act or regulation, a \$50 inspection fee, which the licensee must pay before the inspection and sample collection.

The act waives application and license fees for a constituent unit of higher education and state agency or department if the cultivation or processing is for research purposes.

Penalties

The act subjects any grower or processor licensee who violates the act’s provisions or any related regulation to an administrative penalty of up to \$2,500 per violation. The commissioner may also suspend, revoke, or place conditions on a license. He may only impose such penalties following a hearing held in accordance with the Uniform Administrative Procedure Act (UAPA).

The act makes it an infraction, punishable by a \$250 fine, for an individual to cultivate or process hemp without a license or when a license is suspended or revoked.

A business entity (i.e., corporation, limited liability company, association, or partnership) that cultivates or processes hemp without a license or when a license is suspended or revoked is subject to a fine of up to \$2,500 per violation, after a UAPA hearing is held.

Under the act, a negligent violation of the act’s provisions or the state plan is subject to enforcement in accordance with federal law. Under federal law, a negligent violation includes negligently (1) failing to provide a legal description of the land used to produce hemp, (2) failing to obtain a license, or (3) producing hemp with a THC level above 0.3 percent on a dry weight basis. A violator must enter into a corrective action plan with DoAg and report on their compliance for at least two calendar years. Further, anyone who commits three negligent violations in a five-year period may not produce hemp for five years from the date of the third violation.

Whenever the DoAg commissioner finds a violation of the act’s provisions or related regulations, he must notify the violator in writing of the violation, any corrective action to be taken, and the time period to make the corrective action. The violator may request a UAPA hearing after receiving the notice.

Enforcement Orders

The act specifies that it does not limit the DoAg commissioner's authority to issue a cease and desist order, an emergency order in response to a public health hazard, or other orders needed to effectuate the act's purposes. Such orders could require the embargo, destruction, or release of hemp or hemp products.

Cease and desist or emergency orders are effective once the commissioner serves them. Following service, subsequent proceedings must occur in accordance with state law and agency practice.

Anyone aggrieved by an order may appeal to the commissioner in accordance with the UAPA. An appeal must be made in writing and received within 15 days after the order's date. If no appeal is made, the order is final.

Inspection and Testing Program

The act requires the DoAg commissioner to establish an inspection and testing program to determine the THC levels in Connecticut-grown hemp and ensure compliance with the required limits. It allows the commissioner to inspect, and grants him access to, buildings, equipment, supplies, vehicles, records, real property, and other information needed to carry out his duties.

The commissioner must adopt a pre-harvest hemp sampling protocol in accordance with the UAPA and publish it on DoAg's website. The act requires a grower to collect a pre-harvest sample no more than 15 days before the intended harvest date in accordance with the adopted protocol. Licensees are responsible for all costs of disposing of hemp samples and any hemp that violates law or regulations.

A hemp sample fails the testing if it contains an average THC level greater than 0.3 percent on a dry weight basis. The commissioner may order and conduct a post-harvest sample test if the pre-harvest test failed, unless the licensee destroys the crop before post-harvest testing.

Record Retention

All grower and processor licensees must maintain records as required in federal or state law or regulations and make them available to DoAg upon the commissioner's request and in an electronic format, if available.

Regulations

The act requires the DoAg commissioner to adopt implementing regulations, which must establish sampling and testing procedures and disposal procedures for plants grown in violation of federal law.

Hemp is not a Controlled Substance

The act specifies that, regardless of any state law:

1. marijuana does not include hemp or hemp products;
2. THC that is in hemp but does not exceed 0.3 percent on a dry weight is not a controlled substance;
3. hemp-derived cannabidiols are not controlled substances or adulterants solely because they contain CBD (i.e., the non-psychoactive compound with THC level of not more than 0.3 percent on a dry weight basis); and
4. hemp products containing one or more cannabidiols, such as CBD, that are intended for ingestion are food and not controlled substances or adulterated products solely because they have hemp-derived cannabidiols.

The act requires the DoAg commissioner to notify the Department of Emergency Services and Public Protection and the state police whenever he has reasonable cause to believe that a licensee or a licensee's employee is violating state law concerning marijuana.

MANUFACTURER REQUIREMENTS

License and Application Requirements

The act prohibits anyone from manufacturing hemp or hemp products (i.e., converting hemp to create a consumable) in Connecticut without a DCP-issued license. Each manufacturer license applicant must submit an application on a form and in a manner the DCP commissioner prescribes.

License Duration and Fees

A manufacturer license expires biennially on June 30 and is not transferrable. (The act does not indicate if licenses are renewable.)

The act establishes a nonrefundable \$50 application fee and \$250 license fee.

Penalties

Any manufacturer licensee who violates the act's provisions or any related regulation is subject to a fine of up to \$2,500 per violation. The DCP commissioner may also deny, suspend, revoke, or place conditions on a license. She may only impose such penalties after a hearing held in accordance with the UAPA.

Under the act, it is an infraction, punishable by a \$250 fine for an individual to manufacture hemp without a license or when a license is suspended or revoked.

Any business entity that manufactures hemp without a license or when a license is suspended is subject to a fine of up to \$2,500 per violation, after a UAPA hearing.

Inspection

The act allows the DCP commissioner to inspect, and grants her access to, buildings, equipment, supplies, vehicles, records, real property, and other information needed to carry out her duties.

Record Retention

All manufacturer licensees must maintain records as required in federal or state law or regulations and make them available to DCP upon the commissioner's request and in an electronic format, if available.

Regulations

The act authorizes the DCP commissioner to adopt implementing regulations, including sampling and testing procedures, disposal procedures for plants grown in violation of federal law, and advertising and labeling requirements for consumables.

Advertising

The act prohibits manufacturers from placing any claim of health impacts, medical effects, or physical or mental benefits on the advertising, labeling, or marketing of consumables. Any violation violates the Connecticut Unfair Trade Practice Act (CUTPA) (see BACKGROUND).

DISPOSAL PROTOCOLS FOR MANUFACTURERS

If the DCP commissioner determines hemp or hemp products exceed the required THC level or a manufacturer wants to dispose of obsolete, misbranded, excess, or undesired product, the manufacturer must follow the act's disposal protocols. Each manufacturer licensee is responsible for all disposal costs for any hemp or hemp product that violates the act or any related regulation.

Under the act, a manufacturer must immediately embargo and label as adulterated any hemp or product with a THC level exceeding 0.3 percent on a dry weight basis. The manufacturer must also immediately notify DoAg and DCP about the adulterated product in writing. The manufacturer must destroy and dispose of the hemp or product in the following manner, as the DCP commissioner determines:

1. surrender, without compensation, the hemp or product to the DCP commissioner, who must destroy and dispose of it, or
2. dispose of it in the presence of the DCP commissioner's authorized representative in a way that makes it non-recoverable.

In lieu of embargo or destruction, and upon a manufacturer's written request, the DCP commissioner may allow the manufacturer to combine batches to achieve a compliant THC level.

Required Records

The act requires anyone disposing of hemp or hemp products to maintain and make available to the DCP commissioner the following records:

1. date, time, location, and manner of disposal or destruction;
2. batch or lot information and quantity of hemp or product disposed of or destroyed; and
3. signatures of the people disposing of the hemp or products, the authorized DCP representative, and any other people present during the disposal.

INDEPENDENT TESTING OF CONSUMABLES

The act requires that any hemp intended for manufacture as a consumable be tested by an independent testing laboratory or any other ISO-accredited testing laboratory. An “independent testing laboratory” is an accredited laboratory for which no person with an interest in the laboratory also has a direct or indirect financial or managerial interest in a hemp or marijuana production facility in a U.S. state or territory.

A manufacturer licensee must make samples available, in an amount and type the DCP commissioner determines, for a laboratory’s employee to select random samples. The laboratory must test each sample for microbiological contaminants, mycotoxins, heavy metals, and pesticide chemical residue, as well as an active ingredient analysis if applicable, as the commissioner determines.

Segregation During Testing

While waiting for the testing results, the manufacturer must segregate and withhold from use the entire batch of hemp (except for the testing samples) and hemp product intended for sale as a consumable. During segregation, the manufacturer must keep the hemp and product in a secure, cool, and dry location so that it does not become adulterated. The DCP commissioner must prescribe the type of location. Further, the manufacturer cannot manufacture or sell a consumable before the laboratory provides the testing results.

Disposal of Samples

A laboratory must immediately return or dispose of any hemp or product after completing the testing. If the laboratory disposes of hemp or product, it must do so in the same manner as manufacturers (described above), as the DCP commissioner determines.

Testing Results

If a sample fails the testing based on standards the DCP commissioner prescribes in regulations and publishes on the DCP website, the manufacturer must dispose of the entire batch from which the sample was taken. It must do this in accordance with procedures the commissioner adopts in regulations. (PA 19-117, § 154, eliminates the requirement that DCP adopt these regulations. It instead requires a manufacturer to dispose of the batch in accordance with the disposal protocols described above.)

The laboratory must file with DCP an electronic copy of each test result for any batch that fails testing at the same time that it sends the results to the manufacturer. Each laboratory must maintain test results for three years and make them available to DCP upon request.

If a sample passes the testing, the laboratory must release the entire batch for manufacturing, processing, or sale.

BACKGROUND

Federal Law

The federal 2014 Agricultural Act (P.L. 113-79), known as the 2014 farm bill, allows a higher education institution or state agriculture agency to grow or cultivate industrial hemp under a pilot program or other research program if also allowed by state law (§ 7606). Under such a program, any site used for growing or cultivating industrial hemp must be certified by, and registered with, the state’s agriculture department.

The federal 2018 Agriculture Improvement Act (P.L. 115-334), known as the 2018 farm bill, allows states to regulate hemp production, but only under an enforcement plan the state agriculture department submits to the USDA for its

approval (§ 10113).

Connecticut Unfair Trade Practice Act

CUTPA 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 \$10,000, 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 attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

PA 19-8—sHB 6643

Environment Committee

AN ACT CONCERNING REGIONAL ANIMAL CONTROL SHELTERS

SUMMARY: This act allows more municipalities to open regional animal shelters (i.e., dog pound facilities). Under prior law, any two or more contiguous towns, each with a population of less than 25,000, could agree to be served by a regional animal control officer and facility. The act (1) removes the contiguity requirement and (2) increases the towns' population threshold to those with a population of less than 50,000. By law, the towns must agree to a regional facility by action of their legislative bodies.

EFFECTIVE DATE: October 1, 2019

PA 19-18—sSB 233

Environment Committee

AN ACT CONCERNING COTTAGE FOOD PRODUCTS AND THE PRODUCTION OF HONEY AND MAPLE SYRUP

SUMMARY: This act generally transfers, from the Department of Consumer Protection (DCP) to the Department of Agriculture (DoAg), regulatory authority over maple syrup and honey production in Connecticut. It does so by exempting all in-state maple syrup and honey production from (1) needing to obtain a DCP food manufacturing license; (2) DCP regulation under the state's cottage food law; and (3) regulation under the state Food, Drug and Cosmetic Act (FDCA), over which DCP has enforcement authority (see BACKGROUND). "Production" refers to the foods' preparation, packaging, labeling, and sales.

The act instead subjects maple syrup and honey producers to licensing, inspection, and enforcement by the DoAg commissioner and his authorized agents. It requires the commissioner to adopt regulations for overseeing maple syrup and honey production, but it does not set a date by which he must do so. The regulations may include provisions establishing (1) a license for maple syrup and honey producers and (2) mandatory best practices to limit pathogenic microorganism growth or toxin formation (e.g., harmful bacteria).

Existing law, unchanged by the act, already exempts maple syrup prepared and sold on residential farms from the state FDCA and allows maple syrup to be prepared and sold in any room used as living quarters. The operation is exempt from state or local inspection, but each container offered for sale must state that the product was not prepared in a government-inspected kitchen. DCP enforces this law (CGS § 21a-24b).

Lastly, the act explicitly adds honey production to the state's general definition of "agriculture" and "farming."

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Uniform Food, Drug and Cosmetic Act

The state FDCA provides DCP with enforcement authority over such things as adulterated or misbranded food

products and deceptive advertising and marketing. Honey and maple syrup remain subject to the state FDCA's federal counterpart that regulates certain foods and other products in interstate commerce and is enforced by the federal Food and Drug Administration.

Cottage Food Law

The state's cottage food law requires licensure of individuals who (1) produce certain foods only in their private residential dwelling's home kitchen and for sale directly to the consumer and (2) do not operate as a food service establishment, food retailer, distributor, or manufacturer.

PA 19-28—sSB 226

Environment Committee

AN ACT AUTHORIZING DUAL LANDINGS OF FISH IN THE STATE

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to enter into a dual landing agreement with Rhode Island, New York, or both states. The agreement must authorize licensed commercial fishermen to take fish from state and federal waters in an amount that exceeds their daily limit per state, but not more than the total daily limit for all states that are party to the agreement.

Under the act, the agreement must be limited to the Winter I Summer Flounder season, which generally runs January through April. It must also require fishermen to separate their take by the daily limits allowed in each state and complete their landings by a specified hour. The act authorizes DEEP to board vessels to inspect for a fisherman's compliance with the agreement.

Lastly, the agreement must allow for its provisions to be extended to any other state with which Connecticut shares a water or land boundary.

EFFECTIVE DATE: October 1, 2019

PA 19-29—SB 585

Environment Committee

AN ACT CONCERNING AIR QUALITY MONITORING IN TOWNS NEAR THE CRICKET VALLEY ENERGY CENTER

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) to provide technical assistance and support to any municipality that purchases, leases, or is provided the use of air monitoring equipment to (1) establish an air quality baseline in the municipality and (2) determine the Cricket Valley Energy Center's effect on the baseline. The Cricket Valley Energy Center is a natural gas-fired power plant currently under construction in Dover, New York.

Under the act, DEEP's assistance and support must include the following:

1. best practices for establishing the baseline,
2. guidance on siting and placing air quality monitors,
3. how to maintain and use the monitors to assure accuracy,
4. proposed schedules for retrieving monitor data during the calendar year, and
5. a review of and conclusion from the data results.

EFFECTIVE DATE: October 1, 2019

PA 19-77—sSB 1062

Environment Committee

AN ACT AUTHORIZING MUNICIPAL CLIMATE CHANGE AND COASTAL RESILIENCY RESERVE FUNDS

SUMMARY: This act allows a municipality to establish a climate change and coastal resiliency reserve fund. It may do this upon the recommendation of its chief executive officer, approval of its budget-making authority, and a majority vote of its legislative body.

Under the act, such a fund may only contain (1) funds authorized to be transferred from the municipality's general fund cash surplus at the end of a fiscal year and (2) proceeds of bonds, notes, or other obligations issued to fund property or casualty losses or projects related to the presence of pyrrhotite in residential building concrete foundations.

The act authorizes the municipality's budget-making authority to direct the municipal treasurer to invest a portion of the reserve fund in certain ways the act specifies (see below). Additionally, it allows the municipality, once approved by a vote of its legislative body, to use and appropriate all or part of the reserve fund to pay for municipal property losses, capital projects, and studies on mitigating climate change hazards and vulnerabilities, including land acquisition.

Under the act, the municipal treasurer must submit an annual report to the municipality's chief elected official, budget-making authority, and legislative body on the reserve fund's condition. This report must be included in the municipality's annual report.

Lastly, the act allows the reserve fund to be discontinued upon the recommendation of the municipality's chief elected official and budget-making authority and approval of its legislative body. If it is discontinued, any remaining funds must be put toward retiring the municipality's bonded indebtedness, if any. Any further remaining funds must be transferred to the municipality's general fund.

EFFECTIVE DATE: July 1, 2019

ALLOWED INVESTMENTS

The act authorizes the municipality's budget-making authority to direct the municipal treasurer to invest a portion of the reserve fund, but no more than 40% of the total fund amount may be invested in equity securities (50% if there is an asset allocation and investment policy).

Any portion of the fund not invested in equity securities may be invested in the following (except where noted, references to obligations' ratings means rated by a nationally recognized rating service or a rating service recognized by the state banking commissioner):

1. bonds or obligations of, or guaranteed by, Connecticut, the United States, or U.S. agencies or instrumentalities;
2. certificates of deposit, commercial paper, savings accounts, and bank acceptances;
3. obligations of a U.S. state or its political subdivisions or the obligations of any instrumentality, authority, or agency of a state or political subdivision, if the obligations are rated in the top rating categories;
4. obligations of a Connecticut regional school district, municipality, or metropolitan district, if the obligations are rated within the top two rating categories;
5. U.S. government obligations rated within the top two rating categories of a nationally recognized rating service;
6. investment agreements with financial institutions whose (a) long-term obligations are rated within the top two rating categories or (b) short-term obligations are rated in the top rating category; or
7. investment agreements fully secured by obligations of, or guaranteed by, the United States or its agencies or instrumentalities.

PA 19-82—sSB 594

Environment Committee

AN ACT PROHIBITING THE USE OF CERTAIN CONTRACTS FOR THE SALE OR LEASE OF CATS AND DOGS

SUMMARY: This act, with limited exceptions, bans the practice of pet leasing. It does this by voiding any contract entered into on or after October 1, 2019, that (1) transfers ownership of a dog or cat contingent on the buyer making periodic payments after taking possession of the animal, other than payments to repay an unsecured loan to buy the

animal, or (2) provides for the lease of a dog or cat with the option to buy the animal at the end of the lease term. Anyone taking possession of a dog or cat under such a contract is deemed the animal's owner and entitled to the return of all amounts paid under the contract.

The act exempts from its ban any lease or rental agreement for specified animals, including show animals, law enforcement dogs, assistance animals, and purebred dogs rented for breeding purposes.

EFFECTIVE DATE: Upon passage

EXEMPTIONS FROM THE PET LEASING BAN

The act exempts from its pet leasing ban the leasing or renting of the following types of animals if they are used in accordance with federal or state law or local ordinance:

1. an animal used in a spectator event, show, exhibition, motion picture, or audiovisual media, including an animal exhibition, race, field trial, polo, or rodeo;
2. a working animal trained or used to perform tasks (e.g., guide dogs, security or law enforcement dogs, and assistance animals); or
3. a purebred dog rented for breeding purposes, subject to specified conditions.

A purebred dog may be rented for breeding purposes under a written lease that is (1) recorded with a national purebred dog registry and (2) for a specific time period with an end date.

PA 19-112—sSB 753

Environment Committee

Judiciary Committee

AN ACT CONCERNING THE STATE-WIDE BAN ON FRACKING WASTE

SUMMARY: This act, with a limited exception for research, permanently bans accepting, receiving, collecting, storing, treating, transferring, selling, acquiring, handling, applying, processing, and disposing of hydraulic fracturing (“fracking”) waste, natural gas waste, or oil waste in Connecticut. Prior law imposed a narrower ban that generally applied to accepting, receiving, collecting, storing, treating, transferring, and disposing of fracking waste until the Department of Energy and Environmental Protection (DEEP) commissioner adopted regulations to, among other things, control it as hazardous waste. (DEEP has not adopted such regulations.)

The act maintains existing law’s exception for conducting certain fracking waste research. However, it requires the DEEP commissioner, before approving a research request, to adopt regulations that, among other things, eliminate the exemption in the state’s hazardous waste management regulations for drilling fluids, produced waters, and other wastes associated with exploring, developing, or producing crude oil, natural gas, or geothermal energy.

The act bans the sale, offer, barter, manufacture, distribution, and use of anti-icing, de-icing, pre-wetting, or dust suppression products derived from or containing fracking waste, natural gas waste, or oil waste. Under prior law, the DEEP commissioner could regulate such products derived from fracking waste through regulations.

The act also requires anyone exploring for oil or gas to register with DEEP on a form the commissioner prescribes. Under prior law, a person wanting to explore for oil or gas had to register only after the commissioner adopted regulations providing (1) standards for oil and gas exploration and production wells and (2) the registration fee. The act continues to require these regulations.

Lastly, the act specifies that the state law on fracking, natural gas, and oil waste preempts any municipal ordinance or act on accepting, receiving, collecting, storing, treating, transferring, selling, acquiring, handling, applying, processing, and disposing of such waste, including the discharge of wastewaters into or from a pollution abatement facility.

EFFECTIVE DATE: Upon passage

BAN ON FRACKING, NATURAL GAS, OR OIL WASTE

Under the act, no person, including an individual, business, or political subdivision of the state, may accept, receive, collect, store, treat, transfer, sell, acquire, handle, apply, process, or dispose of fracking, natural gas, or oil waste (see EXPANDED DEFINITIONS below). The ban includes discharging wastewaters into or from a pollution abatement facility or introducing natural gas or oil waste into a solid waste management facility in, or operated by, the state.

The act eliminates a provision that allows a person to collect or transport fracking waste for receipt, acceptance, or

transfer in the state if he or she obtains a DEEP permit before doing so. Consequently, it prohibits the practice.

It also eliminates the DEEP commissioner's authority to adopt regulations allowing the sale, offer, barter, manufacture, distribution, or use of an anti-icing, de-icing, pre-wetting, or dust suppression product derived from or containing fracking waste. Thus, the act bans these actions and also applies the ban to products derived from natural gas and oil waste.

RESEARCH EXCEPTION

The act maintains a provision in existing law that allows certain fracking waste research to be conducted in the state, but it prohibits the DEEP commissioner from approving such a request until there are applicable regulations. The act also expands the type of waste that a person may conduct research on to include natural gas or oil waste, but it does not increase the amount of waste that can be used for research.

As under existing law, DEEP may approve up to three requests for a person to treat up to 330 gallons of waste for research purposes or a single request to treat up to 500 gallons. The research is limited to determining whether the waste can be made suitable for use or reuse.

Regulations Required

Before approving a research request, the act requires the commissioner to adopt regulations, which must:

1. eliminate the exemption in the state's hazardous waste management regulations for drilling fluids, produced waters, and other wastes associated with exploring, developing, or producing crude oil, natural gas, or geothermal energy;
2. ensure that any radioactive materials that may be in the waste do not pollute the state's air, land, or waters or threaten human health or the environment;
3. require disclosure of the waste's composition; and
4. require that records be kept on the waste's origins and intermediate and final delivery points.

EXPANDED DEFINITIONS

Under prior law, "hydraulic fracturing" referred to the process of pumping fluid into or under the ground's surface for purposes of fracturing rock to explore for, develop, produce, or recover natural gas. The act broadens the definition by also applying it to oil and other subsurface hydrocarbons. The act additionally provides that "waste from hydraulic fracturing" includes any substances that are associated with, instead of only used for or generated secondarily to, fracking.

Under the act, "natural gas waste" is:

1. liquid or solid waste, or its parts, from natural gas extraction activity;
2. solid waste leachate associated with the activity;
3. waste from, or associated with, natural gas underground storage;
4. waste from, or associated with, liquefied petroleum gas well storage operations; and
5. products or byproducts from treating, modifying, or processing these wastes.

The act defines "oil waste" as (1) liquid or solid waste, or its parts, from oil extraction activity; (2) solid waste leachate associated with the activity; and (3) products or byproducts from treating, modifying, or processing these wastes.

Extraction activity refers to geological or geophysical activities related to exploring for or extracting natural gas or oil, such as core and rotary drilling and fracking.

PA 19-156—HB 7158

Environment Committee

AN ACT EXEMPTING CERTAIN PERSONS ENGAGED IN THE BOARDING OF CATS AND DOGS FROM THE REQUIREMENT TO OBTAIN A LICENSE TO OPERATE A COMMERCIAL KENNEL

SUMMARY: This act exempts people who board up to three dogs or cats in their residence from having to obtain a commercial kennel license from the Department of Agriculture (DoAg). It also makes a technical change in the definition of commercial kennel, specifying that it is a place maintained for boarding or grooming dogs or cats.

Unless exempted, a commercial kennel operator must obtain a license from DoAg and comply with state regulations

concerning public safety, sanitation, disease, and humane treatment of dogs and cats, as well as municipal zoning regulations. The license costs \$400 and is renewable biennially.

Under existing law, unchanged by the act, people who maintain a commercial kennel and advertise their services must include their license number in each advertisement. Presumably, people who are exempt from commercial kennel licensure may still advertise their boarding services, even though they do not have a license number.

By law, the DoAg commissioner may inspect commercial kennels for compliance with state law and regulations. Violators are subject to fines, license suspension or revocation, or both.

EFFECTIVE DATE: Upon passage

PA 19-190—sHB 6637

Environment Committee

Finance, Revenue and Bonding Committee

AN ACT REQUIRING AN INVASIVE SPECIES STAMP FOR THE OPERATION OF A MOTORBOAT ON THE WATERS OF THE STATE AND ENFORCEMENT OF NOISE ORDINANCES ON CANDLEWOOD LAKE

SUMMARY: This act requires owners of registered vessels (i.e., generally, any type of watercraft except a seaplane) to pay an annual aquatic invasive species (AIS) fee. The fee is \$5 for in-state vessels and \$20 for out-of-state vessels.

A person registering a vessel in Connecticut with the Department of Motor Vehicles (DMV) must pay the AIS fee annually to DMV when he or she pays any required vessel registration fee. (By law, a registration expires on April 30 of the year following its issuance.)

A person with a vessel registered out of state who intends to operate the vessel on inland Connecticut waters must pay the AIS fee to the Department of Energy and Environmental Protection (DEEP). The fee must be paid annually and is valid until December 31 of each year. A person who operates an out-of-state registered vessel on inland waters without first paying the AIS fee commits an infraction and is subject to a fine of up to \$85.

The act expands the purposes of the Connecticut lakes and ponds preservation account to include rivers and correspondingly renames the account the Connecticut lakes, rivers, and ponds preservation account. It requires DMV and DEEP to deposit all AIS fee proceeds into this account. The act also requires DEEP to use at least 80% of the AIS fee proceeds for (1) programs to eradicate aquatic invasive species and cyanobacteria blooms; (2) education and public outreach programs about protecting and preserving state lakes, rivers, and ponds; and (3) grants to state and municipal agencies and nonprofit organizations to conduct research and provide education on managing state lakes, rivers, and ponds.

Lastly, the act authorizes DEEP environmental conservation police officers to enforce the noise ordinance of any municipality bordering Candlewood Lake (i.e., Brookfield, Danbury, New Fairfield, New Milford, and Sherman) on the lake's waters. If more than one of these municipalities has a noise ordinance, the officers may enforce the most restrictive one.

EFFECTIVE DATE: January 1, 2020, except the noise ordinance enforcement provision is effective upon passage.

CONNECTICUT LAKES, RIVERS, AND PONDS PRESERVATION ACCOUNT

The act expands the Connecticut lakes and ponds preservation account's purposes to include rivers and renames the account to reflect this expansion. (By law, it is a separate, nonlapsing General Fund account.) Thus, the act requires the DEEP commissioner to use the money in the account for the following purposes:

1. restoring and rehabilitating Connecticut lakes, rivers, and ponds;
2. DEEP programs to eradicate aquatic invasive species and cyanobacteria blooms;
3. education and public outreach programs to enhance the public's understanding of the need to preserve and protect the state's lakes, rivers, and ponds;
4. allocating grants to state and municipal agencies and nonprofit organizations to conduct research and provide public education on managing state lakes, rivers, and ponds;
5. funding services that support the protection and conservation of the state's lakes, rivers, and ponds; and
6. reimbursing DMV for the cost to produce, issue, renew, and replace Save Our Lakes commemorative license plates, including administrative expenses.

By law, proceeds from the sale of Save Our Lakes plates are deposited to the account. The DEEP commissioner may also receive private donations to the account.

PA 19-197—sHB 7297
Environment Committee

AN ACT CONCERNING QUARANTINE AND DISPOSAL ORDERS OF ANIMAL CONTROL OFFICERS

SUMMARY: This act makes changes to the state's laws on quarantining a biting or attacking animal. Among its changes, the act does the following:

1. requires, instead of authorizes, an animal control officer (ACO) to quarantine an animal that is rabid, is suspected of being rabid, or was exposed to a rabid or wild animal;
2. shortens the mandatory quarantine period for a biting or attacking dog, cat, or ferret from 14 to 10 days;
3. revises where such a dog, cat, or ferret may be quarantined based on its rabies vaccination status;
4. requires the state veterinarian, instead of the agriculture commissioner, or his designee to examine a quarantined dog, cat, or ferret to determine whether to continue or end the quarantine on the 10th day;
5. requires the state veterinarian, instead of an ACO, to determine the quarantine and disposition of other biting or attacking animals, including a quarantine's length and location;
6. reduces the penalty for violating a quarantine order from a class D misdemeanor to a fine of up to \$100; and
7. eliminates a requirement that an ACO give notice of an animal's quarantine to the agriculture commissioner and person bitten or attacked.

Under prior law, police and guide dogs were generally exempt from the quarantine laws if they were under their handler's or owner's control, were vaccinated, and received routine veterinary care. The act eliminates this exemption.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

QUARANTINE OF A DOG, CAT, OR FERRET

Prior law required a biting or attacking animal to be quarantined in a public pound or a veterinary hospital, commercial kennel, or other building the agriculture commissioner approved of for that purpose. If the attack occurred on the owner's premises, the animal could also be quarantined there.

Under the act, a biting or attacking dog, cat, or ferret must be quarantined (1) in a public pound, veterinary hospital, or commercial kennel approved by the state veterinarian or (2) on the premises of the animal's owner or keeper if the ACO determines it is adequate. However, if the animal does not have a current rabies vaccination, then it may be quarantined on the owner's or keeper's premises only if (1) a licensed veterinarian determines it is medically necessary, (2) the municipality or agency issuing the order finds it acceptable, and (3) the animal receives a rabies vaccination on the 10th day of quarantine.

During the quarantine, the dog, cat, or ferret must be observed for signs of rabies. On the 10th day of quarantine, the act requires the state veterinarian or his designee to examine the animal to determine whether to continue or end the quarantine.

As under existing law, the animal's owner or keeper must pay all costs related to the quarantine, including veterinary and rabies vaccination and testing expenses and, if necessary, euthanasia.

OTHER BITING OR ATTACKING ANIMALS

Under the act, the state veterinarian, instead of an ACO as under prior law, must determine the management, confinement, quarantine, or disposition of biting animals other than dogs, cats, or ferrets. In making determinations, the state veterinarian must consider (1) the animal's age, general health, and rabies vaccination status and (2) current national recommendations for preventing and controlling rabies.

PA 19-35—HB 5002

Energy and Technology Committee
Appropriations Committee

AN ACT CONCERNING A GREEN ECONOMY AND ENVIRONMENTAL PROTECTION

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§§ 1-2 & 4-5 — EXTENSIONS OF EXISTING PROGRAMS

Extends existing renewable energy programs, including traditional net metering, the REC program, and the Green Bank's Residential Solar Investment Program

Traditional Net Metering Extension (§ 1)

The state's net metering program generally allows customers that own certain renewable energy resources to earn billing credits when they generate more power than they use. Customers' generation and usage is netted on a monthly basis, and they receive billing credits for their monthly excess generation at the retail electric rate (essentially "running the meter backwards").

Under prior law, opportunities to begin this type of net metering would have ended for (1) residential customers when the Green Bank's Residential Solar Investment Program expires (see below) and (2) all other customers when the Public Utilities Regulatory Authority (PURA) approves the procurement plan for new zero-emission, low-emission, and shared clean energy programs required under PA 18-50. The act instead requires that opportunities to begin this type of net metering end for all types of customers on December 31, 2021.

Under prior law, customers that began traditional net metering before it sunset could continue to use it until December 31, 2039, after which they would be subject to a PURA-determined rate. The act extends this authorization by two years, to December 31, 2041, and specifies that customers that have a PURA-approved contract under the renewable energy credit (REC) program (see below) before December 31, 2021, may similarly continue traditional net metering until 2041.

REC Program Extension (§ 2)

Under the state's REC program (i.e., "L-REC/Z-REC"), electric distribution companies (EDCs) (i.e., Eversource and United Illuminating) must annually enter into 15-year contracts to procure \$8 million in RECs from certain low-emission (L-REC) and zero emission (Z-REC) clean energy generation projects each year. The requirement is cumulative (i.e., an \$8 million procurement commitment for a particular year is added to any such commitment previously made for that same year). The act extends this requirement, which was previously scheduled to expire after 2019, for an additional two years.

Under prior law, the program generally required EDCs to file for PURA's approval contracts for up to \$4 million annually in RECs from zero emission projects and up to \$4 million annually in RECs from low emission projects. For the two years extended under the act, the act retains the zero emission requirements but expands eligibility for the remaining \$4 million to include either low emission projects or projects that use anaerobic digestion and are less than two megawatts (MW) in size. By law, zero emission projects are Class I generation projects that are less than 1 MW in size and emit no pollutants, and low emission projects are Class I technologies that are less than 2 MW in size and have low emissions (i.e., up to 0.07 pounds per megawatt-hour (MWh) of nitrogen oxides, 0.10 pounds per MWh of carbon monoxide, 0.02 pounds per MWh of volatile organic compounds, and one grain (presumably of particulate matter) per 100 standard cubic feet).

As under existing law, all projects must be on the customer's side of the meter and serve the EDC's distribution system. By law, any unallocated money for the program's procurements expires when PURA approves the procurement plan for the new zero-emission, low emission, and shared clean energy programs required under PA 18-50.

The law establishes a \$350 price cap per REC but, beginning in 2013, allowed PURA to decrease the cap by 3% to 7% annually in subsequent years. For contracts entered into in calendar years 2020 and 2021, the act allows PURA to decrease the price cap by 64% at least 90 days before EDC solicitation (i.e., the same cap that applied in 2019). As was the case for past program years, PURA must (1) provide notice and an opportunity for public comment and (2) consider factors such as the actual bid results from the most recent solicitation and reasonably foreseeable reductions in the cost of eligible technologies.

Residential Solar Investment Program Extension (§§ 4 & 5)

The Residential Solar Investment Program, administered by the Connecticut Green Bank, offers financial incentives to residential households that purchase or lease certain residential solar photovoltaic systems and requires the EDCs to purchase the renewable energy credits produced through the program. Under prior law, the program expired on December 31, 2022, or when it deployed 300 MW of residential solar photovoltaic installations, whichever occurred earlier. The act increases the MW threshold that triggers the program's expiration from 300 MW to 350 MW.

The act also correspondingly extends the expiration of EDC solar home renewable energy credit (SHREC) purchasing requirements to 350 MW deployed or December 31, 2022, whichever occurs earlier. By law, revenue from the SHREC program funds the Residential Solar Investment Program (CGS §16-245ff(g)).

EFFECTIVE DATE: Upon passage

§§ 3 & 6 — NEW RENEWABLE ENERGY PROGRAMS AND STUDY

Requires PURA to study the value of distributed energy resources and take findings into account when determining tariffs for new renewable programs required under PA 18-50; delays certain related deadlines; and allows for a longer netting period

The law (as enacted by PA 18-50) generally requires the Department of Energy and Environmental Protection (DEEP) and PURA to establish new tariff-based programs through which EDCs must purchase energy and RECs from qualifying (1) low-emission, zero-emission, and shared clean energy facilities and (2) residential customers with clean energy facilities. In developing these programs, the agencies and EDCs must, among other things, develop (1) a procurement plan for the EDCs to procure qualifying energy and RECs and (2) the tariffs (detailed rate schedules and rules) under which energy and RECs would be purchased.

Value of Distributed Energy Resources Study (§§ 3 & 6)

By July 1, 2019, the act requires DEEP and PURA to open a proceeding to jointly study the value of distributed energy resources. By law, distributed energy resources include customer-side and grid-side Class I (e.g., wind or solar) or Class III resources (e.g., certain combined heat and power systems) (CGS § 16-1(a)(49)). They must report the study's findings to the Energy and Technology Committee by July 1, 2020. The act also requires PURA to consider the study's findings when determining tariffs for certain new renewable energy programs established under PA 18-50 (see below).

Low-emission and Zero-emission Programs (§ 3)

The law requires PURA to begin a proceeding to establish tariffs for the new low-emission and zero-emission programs. In this proceeding, PURA must establish the time period that will be used to calculate the net amount of energy produced by a facility and not consumed. Under prior law, this time period had to be (1) in real time (i.e., simultaneous generation and use); (2) one day; or (3) any fraction of a day. The act allows PURA to establish a netting period that is longer than one day, up to and including one month. It also requires PURA to consider the findings of the act's distributed generation study (see above) in the proceeding.

The act extends, from July 1, 2020, to July 1, 2022, the deadline for each EDC to begin soliciting and filing for PURA's approval the low-emission, zero-emission, and shared clean energy projects it selected under the procurement plans that are consistent with PURA-approved tariffs.

Residential Program (§ 3)

Prior law similarly required PURA to open a proceeding to establish tariffs for the new residential clean energy program. The act extends the deadline for PURA to do this from September 1, 2019, to July 1, 2020.

As with the proceeding to establish low-emission and zero-emission tariffs, the law requires that PURA's proceeding for the residential tariffs determine the time period that will be used for calculating the net amount of energy produced by a facility and not consumed. The act (1) allows PURA to additionally establish a netting period that is longer than one day, up to and including one month, and (2) requires PURA to consider the findings of the act's distributed generation study in the proceeding.

The act requires (1) PURA to issue a final decision in the proceeding by July 1, 2021, and (2) EDCs to offer the new tariffs to residential customers beginning January 1, 2022, rather than when the Green Bank's Residential Solar

Investment Program expires.

EFFECTIVE DATE: Upon passage

§ 7 — VIRTUAL NET METERING CREDIT CAP

Increases, from \$10 million to \$20 million, the amount of credits authorized under the state's virtual net metering program

The act increases, from \$10 million to \$20 million, the aggregate cap on virtual net metering credits.

Under existing law, net metering allows an EDC customer that owns a renewable energy resource to earn billing credits when the resource generates more power than the customer uses. Virtual net metering allows the customer to share these credits to lower the electricity bills of other "beneficial accounts" the customer designates.

Existing law requires PURA to apportion credits authorized under the cap to EDCs based on their loads. Each eligible customer type (municipal, state agency, and agricultural) is further limited to 40% of the allowed credits. The law also authorizes additional credits above the cap under certain circumstances (e.g., anaerobic digestion for agricultural customers).

EFFECTIVE DATE: Upon passage

§ 8 — LAND INVENTORY

Requires DOT to prepare an inventory of its land that is suitable for installation of Class I resources; requires DEEP to analyze DOT's land inventory; allows DEEP to grant preference in certain procurements for proposals that use such land

The act requires the Department of Transportation (DOT), by December 1, 2020, to conduct a preliminary screening of land that it owns to (1) identify any land suitable to site Class I renewable energy sources (e.g., wind and solar) and (2) evaluate its suitability. DOT must submit an inventory of such land to DEEP.

The act requires DEEP to analyze the land included in DOT's inventory, including a technical, legal, and financial feasibility analysis, and consider:

1. setback requirements;
2. access to the land;
3. the land's physical and environmental characteristics;
4. the development characteristics of a Class I renewable energy source;
5. current and future transportation needs;
6. the eligibility of Class I renewable energy sources that may be installed on the land for net metering, virtual net metering, renewable energy tariffs, and grid-scale solicitation programs; and
7. other relevant feasibility factors.

Existing law allows DEEP to solicit proposals for various types of Class I renewable energy sources and direct the EDCs to enter into contracts under selected proposals. Under the act, for any solicitations issued after DEEP analyzes DOT's land inventory, DEEP may give preference to proposals that use land included on DOT's inventory and determined by DEEP to be feasible for siting Class I renewable energy sources.

EFFECTIVE DATE: Upon passage

§§ 9 & 10 — THERMAL ENERGY PORTFOLIO STANDARD

Requires that the next IRP include recommendations for, rather than consider, creation of a portfolio standard for thermal energy

The act requires that the next Integrated Resources Plan (IRP), due by January 1, 2020, include recommendations for creating a portfolio standard for thermal energy, rather than consider its creation. DEEP must consult with heating oil industry representatives and biodiesel producers in developing its recommendations, just as prior law required it do in considering the thermal portfolio standard.

By law, DEEP, in consultation with the EDCs, develops the IRP every two years by reviewing the state's energy capacity and needs and developing a plan for procuring various energy resources (CGS § 16a-3a). The act specifies that the next IRP is due by January 1, 2020. (PA 19-71 also specifies a January 2020 deadline for the IRP and requires it to determine the timing, schedule, and energy amounts for offshore wind procurements.)

EFFECTIVE DATE: Upon passage

§ 11 — GREEN BUILDING CONSTRUCTION STANDARDS

Establishes new requirements for DEEP regulations on energy efficiency for certain state-funded construction projects, including public school facilities

Existing law requires that DEEP regulations establish green building construction standards for the following types of projects:

1. new state facility construction projected to cost at least \$5 million for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008;
2. state facility renovations projected to cost at least \$2 million in state funding, approved and funded after January 1, 2008;
3. new public school building construction projected to cost at least \$5 million, of which at least \$2 million is state funding authorized by the legislature on or after January 1, 2009; and
4. public school facility renovations projected to cost at least \$2 million in state funding authorized by the legislature on or after January 1, 2009.

Prior law required that the regulations establish state building construction standards that achieve at least 75 points on the U.S. Environmental Protection Agency's national energy performance rating system, as determined by its Energy Star Target Finder Tool. The act requires DEEP to adopt new regulations for the state building construction standards by January 1, 2020, but requires that the previous regulations remain in effect until the new ones are adopted.

Under the act, the new standards must be based on a nationally recognized model for sustainable construction codes that promotes the construction of high performance green buildings that:

1. have reduced emissions;
2. have enhanced building occupant health and comfort;
3. are designed to conserve water resources;
4. are designed to promote sustainable and regenerative materials cycles; and
5. provide enhanced resilience to natural, technological, and human-caused hazards.

As under prior law, (1) the standards must include a provision for electric vehicle charging stations and (2) DEEP may update the standards as the commissioner deems necessary.

Existing law requires the DEEP commissioner, in consultation with the Department of Administrative Services (DAS) commissioner and the Institute for Sustainable Energy, to exempt facilities from the regulations if the DEEP commissioner, in consultation with the Office of Policy and Management secretary, finds that it would not be cost effective to comply. The act requires the DEEP commissioner to also consult with the DAS commissioner on the cost effectiveness finding.

The act removes provisions that (1) require DEEP, in consultation with DAS, to exempt facilities from complying with these standards if the facility cannot be defined as an eligible building type in the Energy Star Target Finder tool and (2) establish a separate standard for such exempted facilities.

EFFECTIVE DATE: Upon passage

§ 12 — DEEP CONSULTANTS

Expands DEEP's ability to retain consultants for certain state and federal proceedings

Existing law allows PURA and the Office of Consumer Counsel (OCC) to retain consultants for PURA proceedings. The act additionally allows DEEP to retain consultants to assist the department's staff during PURA proceedings under the same circumstances and limits that apply to PURA and OCC consultants (see BACKGROUND). As under existing law for OCC and PURA, DEEP generally may not hire a consultant for telecommunications proceedings that is also consulting for the affected company.

Existing law already allows DEEP, in consultation with PURA and OCC, to retain consultants to supplement staff expertise for proceedings before or negotiations with various federal agencies (e.g., the Federal Energy Regulatory Commission (FERC) and the U.S. Department of Energy). The act additionally allows DEEP, in consultation with PURA and OCC, to retain consultants for Federal Communications Commission (FCC) proceedings under the same circumstances and limits that apply to DEEP and PURA consultants for other federal agency proceedings (see BACKGROUND).

EFFECTIVE DATE: October 1, 2019

§ 13 — EDC OWNERSHIP OF ENERGY STORAGE SYSTEMS

Explicitly allows EDCs to own energy storage systems and allows them to recover from ratepayers prudently incurred costs for these systems

Existing law prohibits EDCs from owning or operating generation assets, with certain exceptions. Under the act, this prohibition does not apply to EDCs building, owning, or operating energy storage systems (e.g., battery storage). Similarly, the act specifies that provisions in existing law allowing EDCs to submit proposals to DEEP to build, own, or operate storage as part of a grid-side system enhancement pilot program do not prohibit or limit an EDC's ability to build, own, or operate storage.

By law, energy storage systems are any commercially available technology capable of absorbing energy, storing it for a period of time, and thereafter dispatching it, among other things (CGS § 16-1(a)(48)).

The act allows PURA to authorize an EDC to recover its prudently incurred costs and investments for any energy storage system it builds, owns, or operates. EDCs may do so through a fully reconciling component of electric ratepayer bills until the EDC's next rate case, when the EDC must recover the cost through its base distribution rates.

EFFECTIVE DATE: Upon passage

§ 14 — RESIDENTIAL FURNACES, BOILERS, AND PROPANE TANKS

Extends the EnergizeCT Heating Loan Program through 2024

The act extends, for five additional years, the duration of a financing program for residential furnace and boiler replacements and propane fuel tank purchases or leases (i.e., the EnergizeCT Heating Loan Program). Under prior law, the program was scheduled to expire at the end of its sixth year (2019). The act instead sunsets the program at the end of its eleventh year (2024). By law, the program is funded through the systems benefits charge on ratepayer bills.

EFFECTIVE DATE: Upon passage

§§ 15-17 — ANAEROBIC DIGESTION AT ANIMAL FEEDING OPERATIONS

Exempts certain anaerobic digestion facilities at animal feeding operations from DEEP permit requirements and allows the DEEP commissioner to procure up to 10 MW of energy and related products from such facilities

Exemption from Permit Requirement (§§ 15 & 16)

The act exempts certain anaerobic digestion facilities from the requirement to obtain a permit from DEEP to construct and operate a solid waste facility.

In order to be exempt, such facilities must be collocated with an animal feeding operation, which, under the act, is a lot or facility on a farm, other than an aquatic animal production facility, where (1) animals have been, are currently, or will be stabled or confined and fed or maintained for a total of at least 45 days in a 12-month period and (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of such lot or facility.

In addition, exempt facilities must (1) use feed stock that is at least 50% by volume farm-generated organic waste from an animal feeding operation (e.g., animal bedding, manure, urine, silage, leachate, wastewaters associated with egg or dairy production, animal feed waste, and barnyard runoff) and not more than 5% by volume food scraps, food processing residuals, and soiled or unrecycled paper and (2) put any discharge from the facility that is not an energy end product (i.e., material end products) to specified beneficial uses. Specifically, the act requires that liquid material end products be used as fertilizer and solid material end products be used for animal bedding, soil or soil amendment, fertilizer, or other value-added products. Under the act, any discharge applied to land in Connecticut must be applied at an agronomic rate consistent with the nutrient management plan on the farm where the facility is located.

The act requires animal feeding operations that are collocated with an exempt facility to submit to the DEEP commissioner, annually by July 31, the amount of farm-generated organic waste that is processed by the facility. They must indicate the amount of waste processed from the animal feeding operation and from other sources on a form DEEP prescribes.

Enforcement (§§ 15 & 16)

The act authorizes the agriculture commissioner to inspect anaerobic digestion facilities operating under this exemption to ensure that the facilities comply with the requirements described above. If the commissioner finds facilities that are not in compliance, he must report his findings to the DEEP commissioner.

Under the act, if DEEP determines that a facility is operating without a permit but is not collocated with an animal feeding operation or is processing more than 5% by volume food scraps, food processing residuals, and soiled or unrecyclable paper, the facility's operator must apply for a DEEP permit within five days after receiving notice of the commissioner's determination. If the permit application is denied, the facility must close within five days after receiving notice of the denial.

The act allows DEEP to adopt regulations to carry out the act's provisions on exempt facilities.

Anaerobic Digestion Procurement (§ 17)

The act allows the DEEP commissioner, in consultation with the state's electric procurement manager, OCC, and the attorney general, to conduct one or more solicitations for energy derived from anaerobic digestion. (PA 19-117, § 79, eliminates the statutory procurement manager position and instead requires PURA's chairperson to assign authority staff to fulfill the procurement manager's duties where required in the energy statutes.) The act requires bidders to submit one or more proposals for facilities that are animal feeding operations and located on farm land.

The act allows the DEEP commissioner to select proposals from resources with a total nameplate capacity of up to 10 MW in the aggregate if she finds proposals to be:

1. in ratepayers' interest, including the delivered price;
2. consistent with the state's greenhouse gas reduction requirements; and
3. in accordance with policy goals outlined in the state's Comprehensive Energy Strategy and statewide solid waste management plan.

The act allows the DEEP commissioner to direct the EDCs to enter into power purchase agreements for any combination of energy, capacity, and environmental attributes (e.g., RECs) for up to 20 years. EDCs may retain the RECs to meet their requirements under the state's renewable portfolio standard or sell the RECs to suppliers or other EDCs to use to meet their renewable portfolio standard requirements. The act requires EDCs, when deciding whether to sell or retain RECs, to select the option that is in ratepayers' best interest.

Under the act, power purchase agreements are subject to PURA's review and approval. The act requires PURA to begin its review when the agreement is filed and issue a decision within 60 days. The agreement is deemed approved if PURA does not issue a decision within this timeframe.

The act requires EDCs to recover the net costs of the agreement through a fully reconciling component of electric rates for all customers, including the EDCs' costs under the agreement and reasonable costs incurred in connection with it. EDCs must credit customers for any net revenues from the sale of products purchased under the agreement in the same rate component.

The act also allows the DEEP commissioner to hire consultants with expertise in quantitative modeling of gas and electric markets to assist in implementing the solicitation and procurement, including proposal evaluation. The act requires that DEEP's costs associated with the solicitation and review of proposals be recovered through the same component of ratepayer bills.

EFFECTIVE DATE: Upon passage

§ 18 — BIOGAS INTERCONNECTION STANDARD

Requires PURA to adopt a gas quality interconnection standard for biogas derived from farm-generated organic waste or certain source separated organic material

The act requires PURA to initiate a docket, by October 1, 2019, to define and adopt a gas quality interconnection standard for biogas derived from the decomposition of farm-generated organic waste or source-separated organic material that has been processed through gas conditioning systems to remove impurities (e.g., carbon dioxide, hydrogen sulfide). The act requires that the standard ensure that the biogas is suitable for injection in the state's natural gas distribution system.

The docket must also include cleanliness standards for the biogas and a process by which biogas producers may request and be approved for interconnection to the state's natural gas distribution system. PURA must issue a final decision in the docket by September 1, 2021.

EFFECTIVE DATE: Upon passage

§§ 19 & 20 — GREEN JOBS CAREER LADDER

Requires the Office of Workforce Competitiveness, in consultation with other entities, to establish a career ladder for jobs in the green technology industry and requires DOL and OHE to publish it on their websites

The act requires the Office of Workforce Competitiveness, in consultation with the Office of Higher Education (OHE), State Department of Education (SDE), Department of Labor (DOL), DEEP, regional workforce development boards, and employers to establish a career ladder by January 1, 2020, for jobs in the green technology industry and update it as needed. Under the act, the career ladder must list:

1. careers at each level of the green technology industry and the requisite level of education and salary offered for each career;
2. all course, certificate, and degree programs in green jobs offered by technical education and career schools within the Technical Education and Career System and higher education institutions in Connecticut; and
3. green technology industry jobs available in Connecticut.

The act makes a corresponding change by requiring OHE and DOL to publish the green jobs career ladder on their respective websites by July 1, 2020. Prior law instead required OHE, in consultation with SDE, to annually publish on OHE's website green jobs courses and degree and certificate programs offered by technical education and career schools and public higher education institutions.

The act also requires OHE and DOL to each publish on their respective websites by July 1, 2020, an inventory of green jobs-related equipment used by technical education and career schools and higher education institutions. Prior law required OHE only, in consultation with SDE, to publish this inventory on its website.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Consultants for PURA Proceedings

By law, PURA and OCC may retain consultants to assist in PURA proceedings if they lack existing staff expertise. Expenses for the consultants are borne by the companies affected by the proceeding and must be paid as PURA or OCC directs. The companies may comment on the need for a consultant and request a hearing. Unless there is good cause, the agencies' expenses for consultants cannot exceed:

1. \$200,000 per agency per proceeding for companies with more than 15,000 customers and
2. \$50,000 per agency per proceeding for companies with fewer than 15,000 customers.

The law requires PURA to consider these expenses proper business expenses for purposes of rate making (which allows those companies subject to rate regulation to recover these expenses through their rates (CGS §16-18a(a))).

Consultants for Federal Proceedings

The law allows DEEP, in consultation with PURA and OCC, to retain consultants to assist in proceedings before the following federal agencies:

1. FERC,
2. U.S. Department of Energy,
3. U.S. Nuclear Regulatory Commission,
4. U.S. Securities and Exchange Commission,
5. Federal Trade Commission, and
6. U.S. Department of Justice.

PURA may also retain consultants for FCC proceedings.

For both agencies, the law requires companies affected by the proceedings to bear the cost in proportion to their revenue and limits such expenses to \$2.5 million per year unless PURA finds good cause to exceed that limit. PURA must consider these expenses proper business expenses for purposes of rate making (for those companies subject to rate regulation) (CGS § 16-18a(c)).

PA 19-71—sHB 7156

Energy and Technology Committee

AN ACT CONCERNING THE PROCUREMENT OF ENERGY DERIVED FROM OFFSHORE WIND

SUMMARY: This act establishes a process for the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with certain other state officials, to (1) solicit proposals from developers of offshore wind power facilities and (2) direct the electric distribution companies (EDCs) (i.e., Eversource and United Illuminating) to enter into long-term contracts under proposals from responding bidders that meet certain criteria.

More specifically, the act (1) requires the commissioner, by June 21, 2019, to initiate a solicitation for offshore wind projects that have a total nameplate (i.e., generating) capacity rating of up to 2,000 megawatts (MW) in the aggregate and (2) allows the commissioner to issue additional solicitations after 2019 on a schedule that must provide for soliciting resources with a nameplate capacity rating of 2,000 MW in the aggregate by the end of 2030. In addition, each bidder responding to a solicitation issued in 2019 must submit at least one proposal for eligible resources with a nameplate capacity rating of 400 MW.

In developing the solicitations, the commissioner must require that any selected proposals include contractual commitments to (1) pay at least the prevailing wage to construction workers on the project and (2) engage in good faith negotiations over a project labor agreement (PLA) for the project (see BACKGROUND).

The act requires bidders responding to solicitations to include an environmental and fisheries mitigation plan for their facilities' construction and operation that explicitly describes the best management practices the bidder will use to avoid, minimize, and mitigate certain environmental impacts. It requires the commissioner to establish a commission on environmental standards to provide input on these practices.

If the commissioner determines that a responding proposal meets certain criteria, such as being in ratepayers' best interests and having a positive impact on the state's economic development, the act allows her to direct the EDCs to enter into power purchase agreements (PPAs) of up to 20 years for energy, capacity, associated transmission, or environmental attributes (e.g., renewable energy certificates) under the proposal. The commissioner may select proposals that have a total nameplate capacity rating of 2,000 MW or less.

The act subjects any resulting PPA to review by the Public Utilities Regulatory Authority (PURA). PURA must approve the PPA if it meets certain criteria, such as meeting a clear public need at a just and reasonable price. The act requires that the EDCs recover a PPA's net costs from ratepayers through a fully reconciling component of electric rates for all EDC customers. Any net revenues from selling products purchased under the PPAs must be credited to ratepayers through the same electric rate component.

For solicitations issued after 2019, the act requires that the next Integrated Resources Plan (IRP) determine (1) their timing and schedule and (2) how much energy the DEEP commissioner may seek. By law, DEEP, in consultation with the EDCs, must prepare an IRP that contains, among other things, a comprehensive plan for procuring energy resources.

Lastly, the act makes technical and conforming changes (§ 4).

EFFECTIVE DATE: Upon passage

DEEP SOLICITATION OF PROPOSALS

The act allows the DEEP commissioner, in consultation with the state's electric procurement manager, the Office of Consumer Counsel, and the attorney general, to issue one or more solicitations for proposals from providers of energy derived from offshore wind facilities that are Class I renewable energy sources and their associated transmission. But it requires her, no later than June 21, 2019, to initiate a solicitation for projects that have a total nameplate capacity rating of up to 2,000 MW in the aggregate. (PA 19-117, § 79, eliminates the statutory procurement manager position and instead requires PURA's chairperson to assign authority staff to fulfill the procurement manager's duties where required in the energy statutes.)

The act requires each bidder responding to a solicitation issued in 2019 to submit at least one proposal for eligible resources with a nameplate capacity rating of 400 MW. It expressly prohibits the commissioner from considering or selecting any proposals from a bidder that does not do so.

Solicitations issued under the act on or after January 1, 2020, (1) must be for quantities of energy and within the timing and schedule determined by the commissioner and (2) may be informed by the IRP prepared by January 1, 2020, (see below). The solicitation schedule, however, must provide for soliciting resources with a nameplate capacity rating of 2,000 MW in the aggregate by December 31, 2030.

The commissioner may issue the solicitations on behalf of Connecticut alone or in coordination with other states in (1) its regional electric grid's control area (i.e., the other New England states) or (2) a neighboring control area (i.e., New

York).

Prevailing Wage & PLAs

The act requires the commissioner, in developing the solicitations, to include requirements that the selected bids contain contract commitments requiring (1) payment of at least the prevailing wage to laborers, workmen, and mechanics performing construction activities for the project within the United States and (2) selected bidders to engage in good faith negotiations over a PLA. The solicitations must specify the minimum terms that the PLA must address.

Environmental and Fisheries Mitigation Plan

The act requires bidders responding to a solicitation to include an environmental and fisheries mitigation plan for building and operating their offshore wind facilities. The plan must at least include an explicit description of the best management practices, informed by the latest science, that the bidder will use to avoid, minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses, including commercial fishing.

The act requires the commissioner, for each solicitation, to establish a commission on environmental standards to provide input on these best management practices during the facilities' construction and operation.

Skilled Labor Plan

The act allows a responding bidder to include its plans for using skilled labor, including for any of the proposal's construction and manufacturing components. These may include any outreach, hiring, and referral systems, or any combination of them, affiliated with an apprenticeship training program registered with the Connecticut State Apprenticeship Council.

PROPOSAL SELECTION

The act requires the commissioner, when selecting a responding proposal, to consider whether it:

1. is in ratepayers' best interests, including the energy source's delivered price;
2. promotes electric distribution system reliability, including during winter peak demand;
3. has any positive impacts on the state's economic development;
4. is consistent with the state's (a) statutory requirements to reduce greenhouse gas emissions, (b) policy goals outlined in the Comprehensive Energy Strategy and IRP, and (c) goals and policies set in the Coastal Management Act and Long Island Sound Blue Plan; and
5. uses practices to avoid, minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and water-dependent uses.

In considering whether a proposal has positive impacts on economic development, the commissioner must consult with the Department of Economic and Community Development commissioner.

CONTRACTS WITH EDCS

For the selected proposals, the act authorizes the DEEP commissioner to direct the EDCs to enter into PPAs for energy, capacity, associated transmission, and environmental attributes (e.g., renewable energy certificates (RECs)), or any combination of them, for up to 20-year terms, on behalf of all EDC customers in the state.

Under the act, Class I RECs issued by the New England Power Pool Generation Information System and procured by the EDCs under such a PPA may be (1) sold into the system's REC market to be used by any electric supplier or EDC to meet the state's Renewable Portfolio Standard (RPS) requirements, as long as revenues from the sale are credited to EDC customers, or (2) kept by the EDC to meet its own RPS requirements.

When considering whether to sell or keep the RECs, the EDC must pick the option that is in its ratepayers' best interest. In general, the RPS requires the EDCs and retail electric suppliers to procure an increasing portion of their power from certain renewable and other clean energy resources. They may meet the requirement by buying the RECs these resources create when they generate power.

PURA REVIEW & EDC COST RECOVERY

The act subjects any resulting PPA to PURA's review and approval, but PURA's deadline to do so depends on when DEEP issued the solicitation. For PPAs stemming from a solicitation issued in 2019, PURA must complete its review within 90 days after the agreement is filed with the authority. For those issued on or after January 1, 2020, PURA must complete its review within 120 days after the agreement is filed.

The act requires PURA to approve a PPA if it:

1. provides for the delivery of adequate and reliable products and services, for which there is a clear public need, at a just and reasonable price;
2. is prudent and cost effective; and
3. is between an EDC and a solicitation respondent that has the technical, financial, and managerial capabilities to perform under the PPA.

The act requires that the EDCs recover a PPA's net costs, including costs incurred under the PPA and reasonable costs incurred in connection with it, through a fully reconciling component of electric rates for all EDC customers. Any net revenues from selling products purchased under long-term contracts entered into under the act's procurement process must be credited to customers through the same electric rate component.

DEEP Consultants

The act also allows the DEEP commissioner to hire consultants with expertise in quantitative modeling of electric and gas markets to help implement the procurement process, including evaluating submitted proposals. It requires that all reasonable costs associated with the solicitation and proposal reviews be recovered through the same fully reconciling rate component for all EDC customers.

IRP

The act explicitly requires DEEP to prepare the next IRP by January 2020. It also requires DEEP, in the next IRP approved after January 1, 2019, to determine:

1. how much energy the commissioner may seek in the act's solicitations initiated after 2019, as long as it is not from resources that have a total nameplate capacity rating of more than 2,000 MW in the aggregate, less any energy purchased under the act before the end of 2019, and
2. the timing and schedule of any of the act's solicitations initiated after 2019, as long as the schedule provides for soliciting resources with a nameplate capacity rating of 2,000 MW in the aggregate by December 31, 2030, less any energy purchased under the act before the end of 2019.

These determinations must be based on factors that include the electricity system needs identified in the IRP, including capacity, winter reliability, progress in meeting the state Global Warming Solutions Act's goals, the Comprehensive Energy Strategy's priorities, positive impacts on state economic development, opportunities to coordinate procurement with other states, forecasted trends in technology costs, and impacts on state ratepayers.

(PA 19-35 also specifies a January 2020 deadline for the IRP and requires it to include recommendations for creating a portfolio standard for thermal energy.)

BACKGROUND

Prevailing Wage

The state's prevailing wage law (CGS § 31-53) requires employers on certain public works projects to pay their construction workers wages and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town. The law allows the state Department of Labor (DOL) to (1) hold hearings to gather data and calculate prevailing wage rates or (2) use the prevailing wage rates for Connecticut calculated by the federal Department of Labor. In practice, DOL uses the federally calculated rates.

PLAs

In general, a PLA is a pre-hire agreement covering the terms and conditions for the people working on a specific construction project (e.g., a collective bargaining agreement that applies to a specific construction project and lasts only for the project's duration, but guarantees the project will use union labor only).

PA 19-163—HB 7152*Energy and Technology Committee***AN ACT ACCELERATING THE DEPLOYMENT OF 5G WIRELESS FACILITIES**

SUMMARY: This act establishes a seven-member Council on 5G Technology and tasks it with (1) reviewing requests from wireless carriers and other permitted entities to place personal wireless service facilities (e.g., cell towers) and small wireless (i.e., “small cell”) facilities on certain state-owned real property and (2) determining which state-owned properties may be made available for these facilities.

Among other things, the council must (1) adopt guidelines for safely placing the facilities and protecting open space land and (2) perform due diligence in reviewing the requests. If the council approves a request, it must submit the approved request to the applicable state agency, which then must execute a telecommunications license agreement (which the act requires to be developed) with the approved carrier or entity.

The act exempts from the council’s jurisdiction properties owned by the Department of Energy and Environmental Protection (DEEP) and certain properties owned by the Department of Transportation (DOT). It establishes separate processes for wireless carriers and permitted entities to request using these properties to site their wireless facilities.

The act requires the Office of Policy and Management (OPM) and certain other state agencies to jointly develop licensing agreements, forms, and fee structures for placing wireless facilities on state-owned property. The act also specifies that it does not supersede existing rules and requirements requiring the review and approval of permits for proposed personal wireless service facilities under the Public Utilities Regulatory Authority’s (PURA) and the Connecticut Siting Council’s jurisdiction.

Lastly, the act requires OPM, in consultation with PURA and certain other state agencies, to work with municipalities and wireless industry representatives to encourage establishing a streamlined process for siting small wireless facilities on municipal property. OPM must submit its recommendations for establishing this process to the Energy and Technology Committee by January 30, 2020.

EFFECTIVE DATE: July 1, 2019

COUNCIL ON 5G TECHNOLOGY*Definitions*

Under the act:

1. “permitted entities” are communication infrastructure providers, including persons authorized to provide communication service in the state, that (a) build or install personal wireless service facilities and small wireless facilities and (b) are not wireless carriers;
2. “personal wireless service facilities,” are facilities that provide personal wireless services (e.g., cell phone service);
3. “small wireless service facilities” are those that meet certain height and size requirements defined in federal regulations (see BACKGROUND);
4. “state real properties” are any improved or unimproved real property owned by a state agency, except DEEP property, DOT public right-of-way property, and improved or unimproved real property owned by the legislative or judicial branches;
5. “DEEP property” is any improved or unimproved real property owned by DEEP or subject to an interest in such property owned by DEEP; and
6. “DOT public right-of-way property” is any improved or unimproved real property owned by DOT that is not a railroad, excess property, or associated structures.

Membership

The act establishes the Council on 5G Technology, which consists of the following seven members, or their designees:

1. an employee from the governor’s office, designated by the governor;
2. the OPM secretary;
3. the commissioners of the Department of Administrative Services (DAS), DOT, and DEEP; and
4. the presidents of UConn and the Connecticut State Colleges and Universities.

Wireless Carrier Requests to use State Property

The act allows wireless carriers or permitted entities to request to use state real properties to place, construct, maintain, and operate personal wireless service facilities and small wireless facilities by submitting a request on a form jointly developed by OPM, DEEP, DAS, and DOT (see below). It requires the council to accept and review these requests.

Council Guidelines. The act requires the council to adopt guidelines for its operations and the determinations it makes on wireless carrier requests. The guidelines on determinations must at least include provisions on (1) safely placing personal wireless service facilities and small wireless facilities, (2) protecting open space land when reviewing for use of state real properties, and (3) extending the time for the council's determinations. The act exempts the adoption of the guidelines from the Uniform Administrative Procedure Act's requirements.

Master Plans. If a wireless carrier or permitted entity submits a request to the council to use state real property and anticipates making another request in the next two calendar years, the act requires it to submit its master plan or an equivalent plan for personal wireless service facilities and small wireless facilities. It must do so when it submits its first request to the council and then every two years. In general, a carrier's master plan, among other things, inventories its existing wireless facilities and identifies sites for future facilities.

The act allows the council to use the submitted master plans or their equivalents to administer the act's provisions. It deems the plans to be trade secrets exempt from public disclosure under the state's Freedom of Information Act and requires the council to mark them as such.

Council Review and Determinations on Requests

The council must accept and review comments from any state agency affected by a wireless carrier's request and any interested person. Under the act, an "interested person" is an individual, business, or other legal or commercial entity that owns land in the state that (1) abuts state real property and (2) is within a certain distance, determined by the council in its guidelines, from the proposed personal wireless service facility or small wireless facility under review by the council.

In evaluating a request, the council must perform due diligence for the portion of each state real property involved in the request. This includes considering and assessing public health and safety effects, state bonding implications, and environmental concerns. DEEP must submit comments about environmental concerns for requests to use state real properties to place personal wireless service facilities.

After reviewing comments and conducting due diligence, the council must determine, in accordance with any Federal Communications Commission (FCC) regulations or orders, whether a state real property may be used by wireless carriers or permitted entities to place, construct, maintain, and operate personal wireless service facilities or small wireless facilities. In making the determination, the council must give preference to requests that include collocating personal wireless service facilities or small wireless facilities with other wireless carriers or permitted entities. The council must make its determinations by a majority vote and within 90 days after a request, unless it determines that an extension is necessary under its guidelines.

Approvals and License Agreements

Under the act, once the council approves a request, it must submit the approved request to the (1) UConn president, for requests to use UConn-owned state real properties; (2) transportation commissioner, for requests to use DOT-owned state real properties (DOT-owned public rights-of-way follow a separate process, described below); or (3) DAS commissioner, for requests to use any other state real properties.

Not later than 30 days after receiving the council-approved request, the president or commissioner, as applicable, must use the telecommunications license agreement forms and fee structure developed by OPM, DEEP, DAS, and DOT (see below) to execute a license agreement with the approved wireless carrier or permitted entity. The agreement must be approved by the OPM secretary and attorney general, and the respective president or commissioner must administer the license agreement.

DEEP-OWNED PROPERTIES

The act allows a wireless carrier or permitted entity to request to use DEEP property to place, construct, maintain, and operate small wireless facilities. Their requests must be made to the DEEP commissioner using the common form developed by OPM, DEEP, DAS, and DOT.

The act requires DEEP to develop a policy for placing, constructing, maintaining, and operating small wireless facilities on the department's property. It exempts the policy's development from the Uniform Administrative Procedure Act's requirements. Any request to use DEEP property must comply with the policy and be reviewed by DEEP in accordance with the policy within 90 days unless the department determines that an extension is needed.

If DEEP approves a request, the act requires the commissioner to use the telecommunications license agreement forms and fee structure developed by OPM, DEEP, DAS, and DOT (see below) to execute a license agreement with the approved wireless carrier or permitted entity within 30 days after the approval. The agreement must also be approved by the OPM secretary and attorney general. The commissioner must administer any license agreement executed in this way.

The act specifies that its provision on DEEP-owned properties does not require DEEP to make its property available for siting personal wireless service facilities.

DOT HIGHWAYS AND PUBLIC RIGHTS-OF-WAY

The act also allows a wireless carrier or permitted entity to request to use DOT public right-of-way property to place, construct, maintain, and operate small wireless facilities. It requires the department to make highways and DOT public rights-of-way available for placing, constructing, maintaining, and operating small wireless facilities in accordance with applicable FCC regulations, rulings, or orders.

The act requires that any such request be administered by DOT and consistent with, to the extent applicable, (1) the department's policy about installing new utility facilities on state or interstate highways, (2) the American Association of State Highway and Transportation Officials' Policy on Accommodation of Utilities on Freeway Rights-of-Way, and (3) any regulations or policies adopted by the Federal Highway Administration.

The act specifies that its provisions on DOT highways and public rights-of-way do not require the department to make structures over the traveled portion of a limited access state highway available for placing, constructing, maintaining, or operating small wireless facilities.

OTHER STATE-OWNED PROPERTIES

The act specifies that it does not prohibit a wireless carrier or permitted entity from requesting to install personal wireless service facilities or small wireless facilities on any state-owned property that is not covered by the act. The request must be made to the state agency that owns the property, and the agency must grant or reject the request within 90 days after receiving it.

LICENSING AGREEMENTS, FORMS, AND FEES

The act requires OPM, DEEP, DAS, and DOT to jointly develop the following by November 1, 2019:

1. one or more telecommunication license agreements to govern the placement of (a) personal wireless service facilities and small wireless facilities on state real properties, buildings, structures, or any other state-owned property and (b) small wireless facilities on highways and DOT public right-of way property;
2. a common form or set of forms for wireless carrier requests to the council, DEEP, and DOT; and
3. a fee structure for wireless carrier requests to the council, DEEP, and DOT.

Under the act, any of the telecommunications license agreements developed as described above must be approved by the attorney general before they can be used.

SITING ON MUNICIPAL PROPERTY

The act requires OPM, in consultation with PURA, the Office of Consumer Counsel, the State Broadband Office, and the Connecticut Siting Council, to work with municipalities and representatives from the wireless industry to encourage establishing a streamlined process for siting small wireless facilities on municipal property. The process must be in accordance with any applicable FCC rules, regulations, or orders.

Under the act, "municipal property" is any (1) property owned by a municipality; (2) municipal public rights-of-way; and (3) municipally owned buildings, structures, and easements. It does not include a public service company's (i.e., state-regulated utility company's) real and personal property.

The act requires OPM, by January 30, 2020, to make recommendations to the Energy and Technology Committee about establishing a streamlined process for siting small wireless facilities on municipal property.

BACKGROUND

Small Wireless Facilities

Under federal regulations, small wireless service facilities are facilities that meet each of the following conditions:

1. are mounted on structures that are up to 50 feet tall, including their antennas, or that are no more than 10% taller than other adjacent structures, or (b) do not extend existing structures on which they are mounted to a height of more than 50 feet or 10%, whichever is greater;
 2. do not have any associated antenna that exceeds three cubic feet in volume, excluding antenna equipment;
 3. do not have any wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that exceeds 28 cubic feet in volume;
 4. do not require antenna structure registration;
 5. are not located on tribal lands; and
 6. do not expose humans to radiofrequency radiation that exceeds applicable federal standards (C.F.R. § 1.6002).
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PA 19-154—sSB 1130

Finance, Revenue and Bonding Committee

AN ACT CONCERNING VARIOUS INITIATIVES AT THE UNIVERSITY OF CONNECTICUT AND PRIORITY FOR GRANTS-IN-AID FROM THE HIGHER EDUCATION ENTREPRENEURSHIP ADVISORY COMMITTEE

SUMMARY: This act makes various changes related to entrepreneurship and economic development at the University of Connecticut (UConn). It does the following, among other things:

1. modifies UConn's existing faculty recruitment program and requires the UConn Board of Trustees (BoT) to develop a new recruitment plan (§ 1);
2. requires UConn's president and BoT to build and foster a culture of innovation and entrepreneurship at UConn and build relationships with other higher education institutions (§ 2);
3. requires UConn's president, starting October 1, 2019, to spearhead efforts to promote UConn's entrepreneurship and innovation to prospective students and faculty in ways the president deems appropriate (§ 2);
4. requires the BoT to freely license, and release for open, public use, all patents it holds that have not been used for commercialization or licensed for at least 10 years, if the inventor is first offered the right to license the patent (§ 2);
5. requires the UConn president to oversee the development of a plan regarding technology transfer policies and entrepreneurship and innovation at UConn (§ 3); and
6. modifies how CTNext's Higher Education Entrepreneurship Advisory Committee (see BACKGROUND) must prioritize grant applications (§ 4).

EFFECTIVE DATE: July 1, 2019

§ 1 — FACULTY RECRUITMENT

Current Faculty Recruitment Program Changes

By law, the BoT must develop a program to recruit eminent faculty and their research staff to UConn. The act requires BoT to continuously maintain and revise this program from time to time.

The law requires the program to support the state's economic development, but the act requires the program to do this through faculty research. It also requires the program to promote the core sectors of Connecticut's economy, instead of core competency areas as prior law required. By law, unchanged by the act, the program must do so by accelerating the pace of applied research development.

By law, the recruitment program must supplement faculty compensation and related personnel and materials costs in order to secure the faculty for UConn. Prior law limited eligibility for this supplemental funding to scientists with demonstrated excellence in their research field and an interest in commercializing their research. The act expands eligibility to include individuals in fields other than science but requires that they have an interest in working collaboratively on (1) research that meets societal needs or (2) commercialization of discoveries, innovations, or technologies.

The act also eliminates a provision requiring UConn's president, before spending program funds, to certify to the Office of Policy and Management secretary that UConn or its foundation received at least \$2 million in written financial support commitments for faculty recruitment from industry or other sources.

New Faculty Recruitment Plan

Starting by April 1, 2020, the act requires the BoT to biennially develop a plan for recruiting and hiring research faculty, including those whose research is focused on societal needs or can be commercialized. The plan must (1) outline the operating and capital costs associated with the plan and (2) include recruitment and hiring goals. The UConn president must annually report on the university's progress in meeting the hiring goals to the Higher Education and Finance, Revenue and Bonding committees.

§ 2 — ENTREPRENEURIAL CULTURE AND RELATIONSHIPS

The act requires UConn's president and BoT to build and foster a culture of innovation and entrepreneurship among enrolled students at each UConn campus. They must do so through a series of activities, including (1) organizing and

hosting regular networking events for student and faculty entrepreneurs and (2) supporting relevant student clubs and organizations.

The BoT and president must also seek to build entrepreneurial relationships, when feasible and practical, between UConn and other interested public or independent higher education institutions in Connecticut, including Yale University.

§ 3 — TECHNOLOGY TRANSFER AND ENTREPRENEURSHIP PLAN

The act requires the UConn president to oversee the (1) benchmarking and review of technology transfer policies at other leading higher education institutions and (2) development of a plan regarding technology transfer policies. In developing the plan, the UConn president must solicit input from the CTNext board of directors and the Higher Education Entrepreneurship Advisory Committee during at least one of each entity's meetings.

Plan Development

To reform UConn's technology transfer policies, the plan must include recommendations for the following:

1. maximizing the number of new business ventures formed through commercializing student and faculty research, giving greater priority to such business ventures' financial interests than to UConn's recoupment of patent-related or other royalties or profit;
2. focusing the university's technology transfer policies on start-up business formation rather than patent licensing;
3. funding, staffing levels, and staff organization needed to implement the plan; and
4. any other recommendations requested by the BoT.

The plan must also include recommendations, goals, and funding needed to foster faculty and student entrepreneurship at UConn and to create an alumni mentor network to assist student entrepreneurs and faculty in forming business ventures. These recommendations must include best practices for alumni mentor networks that must be shared with CTNext or the Higher Education Entrepreneurship Advisory Committee.

The plan must also include the following:

1. recommendations for (a) continuously improving UConn's technology transfer policies, taking into consideration entrepreneurship best practices and (b) actionable measures to increase the creation and support of new business ventures;
2. recommended changes, if any, to the recruitment and hiring plan and goals established under the act;
3. consideration of all funds available to UConn and legislative recommendations, if any, for changing the university's funding levels;
4. development of a comprehensive plan of metrics for tracking and analyzing the university's success in facilitating the creation of new business ventures based on faculty and student research;
5. an analysis of comparative rankings made by qualified experts of U.S. higher education institutions regarding the institutions' success in entrepreneurship and innovation, including a ranking of UConn and the ranking or a range of rankings UConn must seek to attain;
6. an assessment of current and future space needed on UConn's campuses to serve as gathering places for student entrepreneurs and other individuals who support student business venture development, including any projected construction or renovation costs; and
7. recommendations for ways UConn can help other higher education institutions in the state foster entrepreneurship and innovation.

Plan Submission

UConn's president must submit the plan to the UConn BoT by January 1, 2020, and the board must either approve the plan or request changes to it by March 1, 2020. If the board requests changes, the president has 30 days after the request to submit a revised plan to the board. Once the board approves the final plan, it must submit the plan to the Higher Education and Finance, Revenue and Bonding committees and the CTNext board. Each committee must raise a bill during the 2020 or 2021 legislative session to implement the plan's recommendations. The CTNext board may adopt a resolution to implement the plan's recommendations for UConn.

§ 4 — CTNEXT'S HIGHER EDUCATION ENTREPRENEURSHIP ADVISORY COMMITTEE

The law charges CTNext's Higher Education Entrepreneurship Advisory Committee with reviewing applications and awarding grants to institutions whose grant applications are consistent with, and further, the committee's master plan for

entrepreneurship at public and private higher education institutions.

Under existing law, the committee must prioritize applications that include collaborative initiatives between higher education institutions. Under the act, it must additionally prioritize applications that support individual higher education institutions in developing alumni mentor networks, entrepreneurs-in-residence programs, university proof of concept funds, and student business start-up accelerators. The advisory committee must do so when the individual institution demonstrates that the networks, programs, funds, and accelerators are not feasible for operation across multiple institutions.

BACKGROUND

CTNext

CTNext is a subsidiary of Connecticut Innovations, Inc. Its major purpose is to assist entrepreneurs and startup and growth-stage businesses by, among other things, (1) building entrepreneur communities, (2) serving as a catalyst to protect and enhance the state's innovation ecosystem, (3) connecting entrepreneurs and growth-stage businesses to government and private resources, (4) facilitating mentoring for entrepreneurs and young business ventures, and (5) facilitating innovation and entrepreneurship at higher education institutions (CGS § 32-39f).

PA 19-186—sHB 7373

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE DEPARTMENT OF REVENUE SERVICES' RECOMMENDATIONS FOR TAX ADMINISTRATION AND MINOR REVISIONS TO THE TAX AND RELATED STATUTES

SUMMARY: This act makes various changes in the tax statutes, including the following:

1. expands the pass-through entity (PE) tax base to include guaranteed payments with respect to a partnership (§ 1);
2. exempts PE taxpayers with less than \$1,000 in annual tax liability from making required quarterly estimated tax payments (§ 2);
3. establishes conditions under which real and tangible personal property owned by a pass-through entity is treated as personally owned by a nonresident decedent for estate tax purposes (§ 31);
4. waives penalties, interest, and any addition to tax due for late personal income or PE tax payments for the 2018 tax year under certain conditions (§ 32);
5. delays sales and use tax notice and reporting requirements for referrers (i.e., people and businesses who connect sellers and consumers for a commission or fee) (§ 33);
6. changes the order in which the Department of Revenue Services (DRS) commissioner must apply partial tax payments (§ 28);
7. prohibits applying urban and industrial sites reinvestment act (URA) tax credits against the ambulatory surgical center gross receipts tax, dry cleaning gross receipts tax, and public service companies tax (§ 9);
8. increases, from \$1,000 to \$5,000, the threshold over which penalty waivers require Penalty Review Committee review and approval (§ 10);
9. requires businesses, as a condition of receiving a tax refund for a tax they collected from a customer, to establish to the DRS commissioner's satisfaction that the amount for which they are claiming a refund was or will be repaid to the customer (§ 30); and
10. makes various minor, technical, and conforming changes (including § 3).

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

§§ 1 & 2 — PE TAX

The act requires PE taxpayers, when calculating income subject to the tax, to include guaranteed payments (i.e., payments made to compensate partners for their services or use of capital that are unrelated to the partnership's income). It further specifies that a pass-through entity's income excludes any item treated as an itemized deduction for federal income tax purposes, which conforms to existing DRS guidance on the tax. Under the act, these changes apply to both the standard and alternative base method for calculating the tax.

The act also (1) exempts entities with less than \$1,000 in annual PE tax liability from the requirement to pay the tax

in four estimated installments and (2) makes minor and technical changes in the PE tax statutes, including to the provision concerning nonresident partner filing requirements.

EFFECTIVE DATE: July 1, 2019, and applicable to tax years beginning on or after January 1, 2019.

§ 4 — STATE TAX WARRANTS

Existing law allows DRS and other state collection agencies to (1) issue a tax warrant on the intangible personal property (e.g., bank accounts, receivables, and securities) of a taxpayer who fails to pay state taxes and (2) serve the warrant on a third party (e.g., bank or payment settlement entity) who possesses the property or is obligated to it in some way. The act allows the warrant to be served to the third party by any electronic means, rather than just by email or fax.

EFFECTIVE DATE: October 1, 2019

§ 5 — SALES TAX CREDITS FOR UNCOLLECTIBLE AMOUNTS

Existing law allows retailers to claim a credit for sales tax they paid on accounts later deemed worthless; they must generally do so within three years after they remitted the tax to DRS. If a retailer who claimed such a credit subsequently collected all or some portion of that account, prior law required the retailer to include the amount it collected in its next regular sales tax payment. The act (1) provides that the retailer must only include the amount of sales tax for which it claimed the credit and (2) requires that any payments made on the account be applied first to the sales tax.

EFFECTIVE DATE: Upon passage, and applicable to credit claims received on or after such date.

§ 6 — ALCOHOLIC BEVERAGES TAX EXEMPTION

The act makes a technical change to the alcoholic beverages tax exemption for sales of malt beverages consumed on the premises of an establishment covered by a manufacturer's permit by replacing the term "malt beverages" with beer.

EFFECTIVE DATE: July 1, 2019

§ 7 — TAX PREPARERS AND FACILITATORS

Prior law required those applying for a DRS-issued tax preparer or facilitator permit on or after January 1, 2020, to have completed an Internal Revenue Services-administered annual filing season program. The act extends the implementation date for this requirement by two years, to January 1, 2022, and limits the requirement to tax preparer permit applicants.

Under prior law, tax preparer or facilitator permittees granted inactive status from DRS could reactivate their permits by paying a renewal fee. The act specifies that they may only do so before the permit's expiration date.

§ 8 — TRANSPORTATION NETWORK COMPANY (TNC) FEE

The act requires the DRS commissioner, when reporting TNC fee revenue, to include it with the admissions and dues tax, rather than the motor carrier road tax.

§ 9 — APPLICATION OF URA TAX CREDITS

The act prohibits the application of URA tax credits against the (1) ambulatory surgical center gross receipts tax, (2) dry cleaning gross receipts tax, and (3) public service companies tax. As under existing law, the credits continue to apply against the insurance premiums tax; corporation business tax; unrelated business income tax; air carriers tax; railroad companies tax; cable, satellite, and video companies tax; utility companies tax; and surplus lines brokers tax.

EFFECTIVE DATE: Upon passage and applicable to income years beginning on or after such date.

§ 10 — PENALTY REVIEW COMMITTEE

The act increases, from \$1,000 to \$5,000, the threshold over which a penalty waiver requires Penalty Review Committee review and approval. By law, the committee must review and approve tax penalty waivers granted by the DRS commissioner and lottery sales agent penalty waivers granted by the consumer protection commissioner, if they exceed the threshold.

§§ 10-27 & 34 — TAX APPEALS TIMEFRAME

The act modifies the timeframe for aggrieved taxpayers to bring tax appeals to Superior Court by requiring that they do so within 30 days, rather than one month, after receiving notice. It also repeals an obsolete tax appeal statute.

§ 28 — ORDER OF APPLYING PARTIAL PAYMENTS

For periods ending on or after December 31, 2019, the act requires the DRS commissioner to apply partial payments to penalties first, then to interest, and any remaining balance to the tax. Prior law required the commissioner to apply the payment to penalties first, then to the tax, and any remaining balance to interest.

§ 29 — PENALTIES FOR PAYMENTS BY ELECTRONIC FUNDS TRANSFER

The act replaces the graduated penalties applied to late tax payments paid by electronic funds transfer with the existing penalties that apply to late payments for the respective tax being paid. Under prior law, the penalty was 2% if the payment was less than six days late, 5% if it was six to 15 days late, and 10% if it was more than 15 days late. For periods ending on or after December 31, 2019, the act instead subjects any late tax payments paid by electronic funds transfer to the same interest and penalty provisions that apply by law to the specific tax being paid.

§ 30 — STATE TAX REFUNDS

The act requires businesses, as a condition of receiving a tax refund for a tax they collected from a customer, to establish to the DRS commissioner's satisfaction that the tax amount for which they are claiming a refund was or will be repaid to the customer.

EFFECTIVE DATE: July 1, 2019, and applicable to refund claims received on or that date.

§ 31 — ESTATE TAX ON SPECIFIED BUSINESS PROPERTY

The act establishes conditions under which real and tangible personal property owned by a pass-through entity (i.e., partnership, S corporation, or a single member limited liability company that is disregarded for federal income tax purposes) is treated as personally owned by a nonresident decedent for estate tax purposes. By law, a nonresident estate is an estate of a decedent who was not domiciled in Connecticut at the time of death, but owned real or tangible personal property here.

Under the act, real and tangible personal property owned by a pass-through entity must be treated as personally owned by the nonresident decedent in proportion to his or her constructive ownership in the pass-through entity if the:

1. entity does not actively carry on a business for profit or gain,
2. entity did not own the property for a valid business purpose, or
3. property was not acquired through a bona fide sale for full and adequate consideration and the decedent retained power with respect to or interest in the property that would bring the real property located in the state within the decedent's federal gross estate.

The act provides that this provision must not be deemed to impose a lien in favor of the state against any real property included in the nonresident decedent's estate to any greater extent than if the nonresident decedent was a resident decedent owning an interest in a pass-through entity owning real property located here.

§ 32 — WAIVER OF PENALTIES, INTEREST, AND TAXES DUE AS A RESULT OF THE PE TAX

The act requires the DRS commissioner to waive penalties, interest, and any addition to tax due for late personal income or PE tax payments for the 2018 tax year if (1) such amounts were increased or created as a result of the PE tax's enactment and (2) taxpayers make the tax payments within one year of their due date. The commissioner may do so regardless of the law requiring the Penalty Review Committee to review and approve tax penalty waivers.

§ 33 — REFERRER NOTICE AND REPORTING REQUIREMENTS

The law establishes sales and use tax notice and reporting requirements for people and businesses who connect sellers and consumers for a commission or fee (i.e., referrers).

The act delays by six months, from July 1, 2019, to January 1, 2020, the date by which referrers must begin providing

a quarterly notice to sellers to whom they transferred sales during the previous year. By law, the notice must, among other things, inform sellers of the requirement to collect and remit sales and use tax on sales made to Connecticut purchasers.

It also delays by one year, from January 31, 2020, to January 31, 2021, the date by which referrers must begin submitting an annual report to DRS providing the name and address of each seller who received the quarterly notice in the prior year and each seller that the referrer knows collected and remitted Connecticut sales and use taxes.

§ 34 — OBSOLETE GENERATION-SKIPPING TRANSFER TAX STATUTES

The act repeals obsolete statutory provisions concerning the generation-skipping transfer tax. Due to the repeal of the federal law on which the tax was based, the tax applied only to transfers made before January 1, 2005.

PA 19-200—sHB 7413

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE FAILURE TO FILE FOR CERTAIN GRAND LIST EXEMPTIONS, PAYMENT OF A GRANT-IN-AID TO THE TOWN OF WALLINGFORD AND THE EXTENSION FOR FILING AN ANNUAL DECLARATION OF PERSONAL PROPERTY AND VALIDATING A TAX CREDIT CLAIM

SUMMARY: This act:

1. establishes a procedure for property taxpayers to request an extension for filing an annual personal property declaration (§ 3);
2. extends the statutory deadlines for taxpayers in Bloomfield, Fairfield, New Haven, New London, and Windsor to file required claims for certain property tax exemptions (§§ 1 & 5-8);
3. requires the Department of Energy and Environmental Protection (DEEP) commissioner to pay a \$176,332 grant to Wallingford (funded by an existing DEEP bond authorization) to reimburse the town for extending municipal water services to five homes on South Broad Street (DEEP awarded the grant in November 2015, but it expired on December 31, 2016, before construction ended (§ 2)); and
4. allows certain businesses to claim a Neighborhood Assistance Act (NAA) tax credit for the 2017 income year even though they missed the deadline for making credit-eligible contributions (§ 4).

EFFECTIVE DATE: Upon passage, except the provisions concerning New London and filing extensions for personal property tax declarations are effective July 1, 2019.

§ 3 — FILING EXTENSIONS FOR PERSONAL PROPERTY TAX DECLARATIONS

By law, owners of taxable personal property (e. g., commercial furniture, fixtures, and equipment) must file an annual personal property declaration with municipal assessors for property tax purposes. The declarations are due by November 1, but assessors may grant filing extensions of up to 45 days for good cause.

The act explicitly authorizes any person required to file such a declaration to request an extension. Under the act, they must do so in writing on or before November 1, including electronically if the municipality allows taxpayers to submit their declarations in that manner.

§§ 1 & 5-8 — FAILURE TO FILE FOR CERTAIN PROPERTY TAX EXEMPTIONS

The act allows taxpayers in four municipalities to claim a property tax exemption, for the property and grand lists shown in the table below, even though they missed the November 1 filing deadline. It does so by waiving the deadline if the taxpayer files for the exemption by the date listed below and pays the statutory late filing fee. The tax assessor must confirm that he or she received the fee, verify the property's eligibility for the exemption, and subsequently approve the exemption. The municipality must refund any taxes, interest, or penalties paid on the property as if the claim was timely filed.

Exemption Deadline Waivers

§	Municipality	Grand List	Exemption	New Filing Deadline
1	New London	2017	Property owned by, or held in trust for, any corporation organized exclusively for scientific, educational, literary, historical, or charitable purposes and used exclusively for such purposes or for preserving open space land (CGS § 12-81(7)(A))	7/31/19
6	New Haven	2017		8/8/19
7	Fairfield	2017		8/8/19
8	Windsor	2018	Machinery and equipment used for manufacturing, biotechnology, and recycling (CGS § 12-81(76))	8/8/19

The act also allows taxpayers in Bloomfield to receive a property tax exemption for machinery and equipment used for manufacturing, biotechnology, and recycling for the 2017 grand list even though they missed the extended deadline they were granted for filing the required personal property declaration (November 24, 2017). It waives this deadline if the taxpayer filed the declaration within 45 days after it was originally due (i.e., by December 16, 2017). Bloomfield's assessor must verify the property's eligibility for the exemption and subsequently approve it. Bloomfield may refund any taxes or penalties paid on the property and may cancel any penalty it assessed that remains unpaid.

§ 4 — NAA TAX CREDIT

The act waives the deadline for making NAA credit-eligible contributions for the 2017 income year for any business subject to the insurance premiums tax that was otherwise eligible to claim the credit for that year. Under the act, such taxpayers are considered to have paid the contributions on time and allowed to claim the credit for the 2017 income year.

By law, NAA credits are available to businesses that contribute to, or invest in, municipally approved community projects and programs.

RA 19-1—sHJ 161

Government Administration and Elections Committee

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING

SUMMARY: This resolution proposes a constitutional amendment to authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. It also removes the requirement that a duplicate list of election results for state officers and state legislators, which under the constitution must be sent to the secretary of the state within 10 days after the election, be submitted under seal. (Under the General Statutes, moderators must send a duplicate list of election results to the secretary (1) electronically within 48 hours after the election and (2) under seal within three days after the election (CGS § 9-314).)

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 permit the General Assembly to provide for early voting?”

EFFECTIVE DATE: The resolution will be referred to the 2021 session of the legislature. If it passes in that session by a majority of the membership of each house, it will appear on the 2022 general election ballot. If a majority of those voting on the amendment in the general election approves it, the amendment will become part of the state constitution.

CURRENT CONSTITUTIONAL PROVISIONS

The state constitution sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices. It currently requires election officials to receive and declare votes on this day to elect state legislators and state officers, with one exception. (The exception authorizes the General Assembly to pass a law allowing electors to cast their votes by absentee ballot for specified reasons (e.g., illness or physical disability).)

If passed, the resolution would authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. To effectuate this, it eliminates the requirement that election officials receive and declare votes on the day of an election for state officers and state legislators.

PA 19-2—SB 1039

Government Administration and Elections Committee

AN ACT CONCERNING THE CONFIDENTIALITY OF STATEMENTS OF FINANCIAL INTEREST

SUMMARY: By law, certain public officials and state employees must file an annual statement of financial interests (SFI) with the Office of State Ethics (OSE) that identifies certain assets and liabilities held by the filers and their spouses and dependent children living in the household. SFIs are considered public records under the Freedom of Information Act (FOIA), except that the names and addresses of creditors to whom the filers or their spouses or dependent children owe more than \$10,000 generally must remain sealed and confidential.

This act additionally exempts the names of dependent children residing in the filer’s household from public disclosure under FOIA. It also makes a technical change.

EFFECTIVE DATE: Upon passage

BACKGROUND

Statements of Financial Interests

By law, a person must file an SFI if he or she is, among other things, a (1) statewide elected officer, legislator, department head or deputy department head, member or director of a quasi-public agency, or member of the Investment Advisory Council; (2) member of the Executive Department designated by the governor; or (3) quasi-public agency employee designated by the governor. The SFIs must be filed annually by May 1.

Related Act

PA 19-180 eliminates the requirement that state marshals file an annual statement of income with OSE.

PA 19-10—sSB 682*Government Administration and Elections Committee***AN ACT ESTABLISHING A REWARD PROGRAM FOR STATE EMPLOYEE REPORTING OF WASTEFUL PRACTICES**

SUMMARY: The act establishes a reward program for state employees who make a suggestion that (1) concerns an alleged gross waste of funds in their employing state agency, (2) is subsequently implemented by the agency, and (3) results in agency cost savings exceeding \$10,000. Under the program, each state agency must designate a suggestion coordinator to receive suggestions. Suggestions involving certain matters are ineligible for an award.

Under the act, program suggestions are public records for purposes of the Freedom of Information Act. Program awards are subject to state income tax, but they may not be calculated in the employee's retirement income.

The act also repeals the prior suggestion awards program under which state agencies received suggestions from active and retired employees and could reward such employees for their implemented suggestions (CGS § 5-263a).

EFFECTIVE DATE: October 1, 2019

REWARD PROGRAM*Administration*

The act requires each agency, by November 1, 2019, to designate an existing employee to serve as its program suggestion coordinator. Coordinators and agency or department heads are ineligible to participate in the program.

The act allows all other state employees to make a written suggestion to their designated suggestion coordinator about an alleged gross waste of funds. The coordinator must review any suggestion received to determine its eligibility for consideration and submit eligible suggestions to the agency's executive head, or his or her designee.

Under the act, "gross waste of funds" is more than a merely debatable expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to the government. It includes "gross mismanagement," which is a management action or inaction that creates a substantial risk of significant adverse impact upon the agency's ability to accomplish its mission, excluding insignificant wrongdoing or negligence.

Ineligible Suggestions

The act makes certain types of suggestions ineligible for an award. They are suggestions that:

1. involve deferred maintenance or replacement of essential equipment and supplies;
2. concern individual employee compensation or position classification;
3. concern personal grievances or complaints;
4. involve collective bargaining subjects;
5. involve the structure of lottery games conducted by the Connecticut Lottery Corporation, including their design, prize patterns, draw dates, and frequency;
6. require a change to, or that conflict with, federal or state law;
7. duplicate a suggestion already submitted by another employee;
8. result from an agency audit, study, survey, review, or research;
9. correct a condition that exists because established procedures are not being followed;
10. concern an alleged gross waste of funds that the suggesting employee participated in committing;
11. constitute opinions only and cannot be supported by demonstrating a better idea;
12. circumvent competitive procurement procedures provided by state law or policy;
13. recommend or require formal studies, surveys, investigation, or similar research activity to establish the benefits referred to; or
14. concern ideas that are hypothetical, vague, or based on inconclusive justification, or that deal with generalities.

Reward Payments

The act requires an agency to determine, within one year after implementing an employee's suggestion, the attributable cost savings and submit its calculations to the state auditors for verification. Once verified by the auditors, the agency must make a lump-sum payment to the employee. The payment must equal 5% of the estimated savings for the first calendar year after implementing the suggestion and remedying the wasteful practice but cannot exceed \$10,000. The payment must be made using funds from the division or department that benefited from the cost savings.

Under the act, if an agency implements an employee's suggestion after he or she retires or leaves state service, the executive head must make a lump sum payment to the former employee. Similarly, if the employee has died, the executive head must pay his or her estate.

Under the act, if multiple employees jointly submit a suggestion, they must share an award equally. If two or more employees separately submit the same suggestion, the first suggestion received is eligible for the award.

PA 19-15—SB 1127*Government Administration and Elections Committee***AN ACT CONCERNING THE REPEAL OF A CONVEYANCE OF A PARCEL OF STATE LAND TO THE TOWN OF NORWALK**

SUMMARY: This act repeals section four of PA 17-238, which requires the Department of Transportation commissioner to convey a 0.251-acre parcel of land and any improvements on it to the town of Norwalk for fair market value plus conveyance administrative costs.

EFFECTIVE DATE: Upon passage

PA 19-43—SB 1105*Government Administration and Elections Committee***AN ACT CONCERNING THE CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS CONCERNING VICTIMS OF SEXUAL ASSAULT AND FAMILY VIOLENCE**

SUMMARY: This act exempts certain crime victims' identifying information included in law enforcement investigation and arrest records from public disclosure under the Freedom of Information Act (FOIA).

Under FOIA, law enforcement records are exempt from disclosure if (1) they were compiled in connection with detecting or investigating crime and (2) disclosure would not be in the public interest because it would reveal, among other things, the name and address of a victim of the following crimes or attempted crimes: sexual assault; voyeurism; and injury, risk of injury, or impairing morals. The act expands this exemption to include victims of family violence or attempted family violence.

For each of these crimes and attempted crimes, the act also allows law enforcement agencies to redact a victim's name, address, or other identifying information from an arrest record (see **BACKGROUND**). Prior law prohibited law enforcement agencies, during a pending prosecution, from redacting an arrest record except for (1) witnesses' identities; (2) specific information about the commission of a crime, if the agency reasonably believes it may prejudice a pending prosecution or a prospective law enforcement action; or (3) information ordered sealed by a judicial authority (see **BACKGROUND**).

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND*Arrest Records*

By law, for purposes of FOIA, an arrest record consists of, among other things, the arrestee's name, race, and address; the date, time, and place of the arrest; and the offense for which the person was arrested (i.e., "blotter

information”). It also includes the (1) arrest warrant application and supporting affidavits, if the arrest was made by warrant, or (2) official arrest, incident, or similar report, if the arrest was made without a warrant. If a judicial authority orders the affidavits or report sealed, in whole or in part, then the agency must disclose the unsealed portion, if applicable, and a report summarizing the circumstances that led to the arrest without violating the judicial authority’s order (CGS § 1-215(a)).

Pending Prosecution

FOIA’s provisions specifically concerning arrest records (i.e., CGS § 1-215) apply only when a prosecution is pending against the person who is the subject of the record. At all other times, the applicable FOIA provisions govern record disclosure (i.e., the record must be disclosed unless there is a statutory exemption from disclosure) (CGS § 1-215(e)).

PA 19-50—HB 7212

Government Administration and Elections Committee

AN ACT CONCERNING PRIMARY PETITIONS FOR CANDIDATES FOR STATE LEGISLATIVE OFFICES

SUMMARY: This act requires that, starting 77 days before a primary, registrars of voters make available primary petitions for the municipal offices of state representative and state senator. Existing law requires the same for the district offices of state representative and state senator (CGS § 9-404a).

Prior law required that these petitions be available on the day following the party endorsement or final day for making the party endorsement, whichever is earlier. Thus, the act potentially decreases the number of days that these petitions are available since, by law, endorsements for these offices are made in accordance with party rules as early as 84 days, or as late as 77 days, before the primary (CGS § 9-391(c)).

By law, the municipal offices of state representative and state senator represent single-town districts; the district offices represent multi-town districts (CGS § 9-372).

EFFECTIVE DATE: October 1, 2019

PA 19-67—SB 265

Government Administration and Elections Committee

AN ACT CONCERNING CERTIFICATION OF MODERATORS AND ALTERNATE MODERATORS

SUMMARY: This act extends, from two to four years, the duration of an election moderator’s or alternate moderator’s certification, beginning with those certifications issued on or after July 1, 2019. It applies to initial and subsequent certifications.

By law, moderators and alternate moderators must be certified by the secretary of the state in order to serve in a primary or election. Before an initial or subsequent certification expires, they may undergo a secretary of the state-prescribed abridged recertification process to satisfy the renewal requirements.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

PA 19-102—SB 1048*Government Administration and Elections Committee***AN ACT CONCERNING THE ONLINE DATABASE FOR STATE EXPENDITURES**

SUMMARY: This act transfers responsibility for maintaining the searchable, online electronic state expenditure databases from the Office of Fiscal Analysis (OFA) to the Office of the State Comptroller. It expands the databases' content to include quasi-public agency expenditures and requires the agencies to submit related information to the comptroller upon his request. The act specifies that the databases must include disaggregated payments and data related to state and quasi-public agency contracts, grants, and employee payrolls, as well as state retiree pensions.

The act also makes technical and conforming changes. For example, it removes an OFA reporting requirement on the status of the databases and a related state auditors' review.

EFFECTIVE DATE: Upon passage

PA 19-126—sSB 916*Government Administration and Elections Committee***AN ACT CONCERNING APPLICATIONS FOR PREQUALIFICATION BY CONTRACTORS AND SUBSTANTIAL SUBCONTRACTORS**

SUMMARY: This act modifies the required contents of the application form used by the Department of Administrative Services (DAS) to prequalify state public works contractors. Specifically, it removes information related to pending matters and adds information about the nonpayment of wages or benefits. By law, state public works contracts that exceed \$500,000 (or \$1.5 million for DAS-administered projects) generally must be awarded to a contractor that is prequalified by DAS (CGS § 4b-91).

Under prior law, prequalification applicants were required to provide information about any legal or administrative proceedings pending or concluded adversely against them, or their principals or key personnel, within the last five years concerning the procurement or performance of any public or private construction contract. Applicants were also required to disclose knowledge of any pending investigation. The act eliminates the requirement that applicants provide information on pending investigations and proceedings, thus conforming with current DAS practice.

Under the act, applicants must additionally provide information about any legal or administrative proceedings concluded adversely against them or their principals or key personnel, within the last five years concerning the nonpayment or underpayment of employee wages or benefits during the performance of any public or private construction contract. By law, public works contractors generally must pay their workers the prevailing wage.

EFFECTIVE DATE: October 1, 2019

PA 19-136—HB 7087*Government Administration and Elections Committee***AN ACT CONCERNING THE REPORTING OF THE TRIENNIAL AUDIT OF STATE CONTRACTING AGENCIES BY THE STATE CONTRACTING STANDARDS BOARD AND THE MEMBERSHIP AND QUORUM REQUIREMENTS OF THE BOARD**

SUMMARY: This act makes various changes to the laws governing the State Contracting Standards Board (SCSB) by (1) specifying the recipient of its compliance report and a process for responses, (2) establishing qualifications for certain appointed board members, and (3) modifying the quorum requirement.

Existing law requires SCSB to audit state contracting agencies every three years and, within 30 days after completion, issue and deliver a compliance report, which is a public record. The act explicitly directs SCSB to issue and deliver the compliance report to the state contracting agency and allows the agency to respond in writing within 60 days after receipt. It specifically makes the response a public record. After receiving the response, or after 60 days have elapsed with no response, the act allows SCSB to submit both the report and response, if any, to the Appropriations and Government Administration and Elections committees, as well as the contracting agency's committee of cognizance.

By law, SCSB consists of 14 members, eight appointed by the governor and six appointed by legislative leaders. The act requires that at least two members be certified in procurement, one each appointed by the (1) governor and (2) House minority leader, or if the governor's party does not control the General Assembly, by the House majority leader.

Lastly, the act modifies the SCSB quorum requirements. Under prior law, eight SCSB members, including at least one legislative appointee, constituted a quorum. A quorum under the act consists of a majority of the appointed members, but no fewer than five. The act eliminates the requirement that at least one of these members be a legislative appointee.

EFFECTIVE DATE: July 1, 2019, except the compliance report provisions are effective October 1, 2019.

PA 19-141—sHB 6666

Government Administration and Elections Committee

AN ACT REQUIRING THE PROMPT PAYMENT OF CONTRACTORS

SUMMARY: This act requires that commercial construction contracts (see BACKGROUND) contain provisions requiring general contractors to pay any subcontractor or supplier for labor and materials within 25 days after receiving payment from the owner, instead of within 30 days as under prior law. It makes a similar change concerning payments by subcontractors and suppliers to their subcontractors and suppliers (i.e., sub-subcontractors and sub-suppliers). Under the act, general contractors must include in each subcontract a requirement that subcontractors and suppliers pay sub-subcontractors and sub-suppliers within 25 days after receiving payment from the contractor, instead of within 30 days as under prior law. By law, unchanged by the act, owners must pay amounts due for labor and materials within 30 days after receiving a written request for payment.

The act also reduces the timeframe in which state agencies, quasi-public agencies, and municipalities must pay a small contractor under the Small and Minority-Owned Business Set-Aside program from 30 days to 25 days from the date payment is due.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Commercial Construction Contracts

By law, a construction contract is a contract or subcontract for construction, renovation, or rehabilitation between (1) an owner and contractor, (2) a contractor and subcontractor, or (3) subcontractors. But it is not a contract (1) for public works or other building entered into by any local, state, or federal governments; (2) funded or insured by the U.S. Department of Housing and Urban Development; (3) between an owner and contractor for less than \$25,000, or a subcontract made under such a contract; or (4) for a building intended for residential occupancy with four or fewer units (CGS § 42-158i).

PA 19-152—SB 1091

Government Administration and Elections Committee

AN ACT DESIGNATING VARIOUS DAYS AND WEEKS

SUMMARY: This act requires the governor to proclaim the fourth week in May of each year as Connecticut Older Horse Week to spread awareness of the active roles horses play in farming, sports, and entertainment and to recognize the state's retired horses.

The act also requires him to proclaim the first week in September of each year to be Kidney Disease Awareness Week to raise public awareness of the (1) various disease types; (2) associated presentation and available treatments for chronic kidney disease or failure; (3) need for artificial filtering or dialysis, kidney donations, and transplants; and (4) diseases or conditions that impair kidney function such as diabetes and hypertension.

Additionally, the act requires the governor to proclaim the following days:

1. February 22 of each year to be Encephalitis Day to raise awareness of, and acknowledge those affected by, encephalitis;

2. April 16 of each year to be Advance Directive Awareness Day to encourage their use and raise awareness of the importance of planning ahead for health care decisions;
3. May 6 of each year to be Moyamoya Awareness Day to raise awareness of the symptoms and available treatments of the cerebrovascular disease;
4. May 17 of each year to be Diffuse Intrinsic Pontine Glioma Day to raise awareness of this type of brain cancer;
5. June 3 of each year to be Clubfoot Day to raise awareness of the musculoskeletal birth deformity and its available treatments;
6. June 15 of each year to be Cadet Nurse Corps Day to honor women who served in the corps during World War II (WWII);
7. July 30 of each year to be U.S.S. Indianapolis CA-35 Day (a) to commemorate and honor the cruiser and the service, sacrifice, and bravery of the Connecticut sailors who served aboard the ship during WWII and (b) in recognition of its final sailing crew, the pilots who discovered the survivors, and the rescue and recovery crews;
8. November 22 of each year to be 22q11.2 Deletion Syndrome Day to raise awareness of the genetic disease and its available treatments; and
9. December 6 of each year to be Thirteenth Amendment Day to reflect upon, remember, and celebrate the ratification of this amendment to the United States Constitution, which abolished slavery.

For each of these days and weeks, the act allows suitable observance exercises to be held in the state capitol and elsewhere as the governor designates.

Lastly, the act adjusts the date of Sikh Genocide Remembrance Day from November 30 to November 1 of each year.
EFFECTIVE DATE: Upon passage

PA 19-153—sSB 1103

Government Administration and Elections Committee

AN ACT CONCERNING INTERAGENCY DATA SHARING

SUMMARY: This act requires the state’s chief data officer (CDO), in consultation with the attorney general (AG) and executive branch agency legal counsel, to (1) review legal obstacles to sharing executive branch agencies’ inventoried “high value data” among agencies and with the public and (2) annually report recommendations to facilitate data sharing.

The act also formalizes the process by which the Connecticut Data Analysis Technology Advisory Board may obtain assistance as needed from the offices of Legislative Research (OLR) and Fiscal Analysis (OFA).

EFFECTIVE DATE: Upon passage, except the provision on the data advisory board’s staff support is effective July 1, 2019.

CDO REPORT ON DATA SHARING

The act requires the CDO to submit a report to the Connecticut Data Analysis Technology Advisory Board and the Government Administration and Elections (GAE) Committee annually by January 15 and post it on the Office of Policy and Management website. The report must be consistent with the state data plan, and it must be developed in consultation with the AG, agency data officers, and executive branch agency legal counsel. It must include any recommendations on (1) methods to facilitate the sharing of high value data to the extent permitted by state and federal law, including preparing and executing memoranda of understanding among executive agencies, and (2) any necessary legislation. The report must also include the recommendations’ potential fiscal impact.

High Value Data

By law, high value data is any data that the agency head determines:

1. can increase an agency’s accountability and responsiveness, improve public knowledge of an agency and its operations, further its core mission, or create economic opportunity;
2. is critical to the agency’s operation or used to satisfy any legislative or other reporting requirements; or
3. is frequently requested by the public or responds to a need and demand identified through public consultation.

DATA ADVISORY BOARD ASSISTANCE

Prior law required the GAE committee clerk to staff the Connecticut Data Analysis Technology Advisory Board, with assistance provided as needed by employees of OLR and OFA. The act requires that such assistance be provided upon (1) a board vote or (2) the request of any of its eight voting members with the chairperson's approval.

PA 19-180—HB 7325*Government Administration and Elections Committee***AN ACT CONCERNING STATE MARSHALS AND STATEMENTS OF FINANCIAL INTERESTS**

SUMMARY: This act eliminates the requirement that state marshals file financial interest statements identifying the amounts and sources of income earned in their official capacity (i.e., statements of income). Under prior law, marshals had to file these statements with the Office of State Ethics annually by May 1.

EFFECTIVE DATE: October 1, 2019

PA 19-24—sSB 647

General Law Committee

Finance, Revenue and Bonding Committee

AN ACT STREAMLINING THE LIQUOR CONTROL ACT

SUMMARY: This act makes various unrelated changes to the Liquor Control Act as described in the section-by-section analysis below. The act does the following:

1. increases, from nine liters to nine gallons, the daily per person amount of beer certain beer manufacturer permittees may sell for off-premises consumption (§ 4);
2. allows cider manufacturer permittees to sell alcoholic cider and apple wine for on-premises consumption (§ 4);
3. combines the coliseum and coliseum concession permits and, among other things, allows soccer stadiums to receive this permit (§ 20); and
4. allows non-uniform cases of alcoholic liquor (e.g., spirits, wine, and beer) and increases the maximum number of times the Department of Consumer Protection (DCP) commissioner may allow cases with less than the statutory minimum number of bottles or quantity of units to be sold (§§ 2, 8 & 9).

It also, beginning (1) July 1, 2019, creates an out-of-state retailer shipper's permit for wine to allow direct shipments of wine to in-state consumers (§ 26), and (2) January 1, 2020, decreases the excise tax exemption for beer manufacturer permittees for beer sold for on-premises consumption by requiring them to pay excise tax for amounts over 15 barrels annually (§ 1).

Beginning July 1, 2020, the act:

1. (a) consolidates four manufacturer beer permits into one; (b) limits manufacturer permits to producing spirits; (c) creates a new wine, cider, and mead permit with requirements and abilities substantially similar to a farm winery permittee; and (d) establishes certain agricultural designations for alcoholic liquor (§§ 3, 5 & 23);
2. establishes a Connecticut craft cafe permit that allows manufacturer permittees to, among other things, sell other Connecticut manufactured alcohol for on-premises consumption (§ 18);
3. allows alcoholic liquor permittees to hold both a manufacturer permit and a Connecticut craft cafe permit or a restaurant permit (§ 16);
4. consolidates various permits for on-premises consumption and allows a permittee with a permit that is being consolidated to continue to hold that permit until it becomes due for renewal or until a replacement permit becomes available for the permit holder to obtain (§§ 19, 21, 22, 24 & 27);
5. consolidates the farmers' market wine sales and beer sales permits into one farmers' market sales permit (§§ 15 & 27);
6. allows gift basket retailer permittees to sell gift baskets with beer (§§ 6 & 7);
7. requires in-state transporter permittees to keep certain records of deliveries from outside the state into Connecticut (§ 11); and
8. prohibits DCP from adopting regulations requiring effective separation for restaurants and cafes (i.e., partition between bar and eating area) (§ 25).

The act also makes minor, conforming, and technical changes in consolidating the permits (§§ 10-17).

EFFECTIVE DATE: July 1, 2020; except the provisions allowing beer manufacturers to sell more beer for off-premises consumption, cider manufacturers to sell for on-premises consumption, lower quantity and non-uniform cases, and coliseum provisions are effective upon passage; the out-of-state retailers permit provision is effective July 1, 2019; and the excise tax provision is effective January 1, 2020.

§ 1 — ALCOHOLIC BEVERAGES TAX

Beginning January 1, 2020, the act requires beer manufacturer permittees to pay the state alcoholic beverages tax (i.e., excise tax) on malt beverages (e.g., beer) they produce and sell for on-premises consumption for amounts over 15 barrels annually. Prior law exempted all such beer produced and sold for on-premises consumption from the tax. By law, a "barrel" is at least 28 but not more than 31 gallons, and beer is taxed at \$7.20 per barrel (CGS §§ 12-433 & -435).

§ 2 — LOWER QUANTITY CASES

By law, alcoholic liquor, other than beer, cordials, cocktails, wines, and prepared mixed drinks, must generally be sold and delivered in cases with statutorily mandated bottle numbers or quantity units. The act increases, from four to eight, the maximum number of times DCP may allow a person or entity to have a lower case bottle number or quantity in

a calendar year.

§ 4 — INCREASED BEER SALES AMOUNT

Until July 1, 2020, the act increases, from nine liters to nine gallons (approximately 34 liters or three cases of 16 ounce beers (i.e., 72 cans)), the amount that permittees with a manufacturer permit for beer, brew pub, beer and brew pub, and farm brewery may daily sell for off-premises consumption to each person. On July 1, 2020, the act consolidates the four permits into one, but keeps the same beer sale threshold (see below).

§ 4 — MANUFACTURER PERMIT FOR CIDER

Until July 1, 2020, the act allows cider manufacturer permittees to sell alcoholic cider and apple wine by the glass and bottle to visitors for on-premises consumption. As is the case under existing law for tastings, a permittee may sell for on-premises consumption between 10:00 a.m. and 8:00 p.m., Monday through Saturday, and 11:00 a.m. and 8:00 p.m. on Sunday (CGS § 30-16(c)). On July 1, 2020, the act eliminates this permit and creates a new wine, cider, and mead permit that also allows these sales for on-premises consumption (see below).

§§ 3, 5, 16, 17, 18 & 23 — MANUFACTURER PERMIT CONSOLIDATION AND ADDITIONAL PERMITS FOR ON-PREMISES CONSUMPTION

Beginning July 1, 2020, the act (1) limits manufacturer permits to producing spirits; (2) consolidates four manufacturer beer permits into one; (3) creates a new wine, cider, and mead permit with requirements and abilities substantially similar to a farm winery permittee; (4) allows manufacturer permittees to hold either a restaurant permit or a Connecticut craft cafe permit to allow them to sell other types of alcoholic liquor for on-premises consumption; and (5) allows manufacturers to apply for certain agricultural designations (e.g., “Connecticut Grown”).

Manufacturer Permit for Spirits (§ 5)

The act limits the manufacturer permit to just manufacturing and selling spirits rather than alcoholic liquor (e.g., spirits, wine, or beer). It also eliminates the manufacturer permit for a farm distillery, which, among other things, allowed Connecticut farms to manufacture, store, bottle, wholesale distribute, and sell spirits they produce on their property.

By law, “spirits” means any beverage with alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whiskey, and gin (CGS § 30-1).

The act applies all requirements that apply to a manufacturer permit, with two exceptions, to a manufacturer permit for spirits.

Off-premises Sales. The act increases the (1) annual gallonage threshold, from up to 25,000 to up to 50,000 gallons, for which permittees may still sell spirits for off-premises consumption and (2) amount they may sell, from 1.5 liters to three liters, per person per day. As under existing law, the permittee may only sell (1) up to five gallons per person in any two-month period and (2) between 10:00 a.m. and 6:00 p.m. on Sundays and 8:00 a.m. and 10:00 p.m. Monday through Saturday.

Free Samples. The act allows a spirits manufacturer to offer free samples of spirits distilled on the premises in combination with a nonalcoholic beverage as part of the free samples. As under existing law, a permittee may provide tastings of up to two ounces per patron per day between 11:00 a.m. and 8:00 p.m. on Sundays and 10:00 a.m. and 8:00 p.m. Monday through Saturday.

Consolidation of Beer Permits (§ 5)

The act consolidates the manufacturer permits for beer, brew pub, beer and brew pub, and farm brewery into one permit. As under prior law for all the manufacturer permits that produce beer, the consolidated beer permit allows for the manufacture, storage, and bottling of beer with DCP’s approval.

Self-distribution. The consolidated beer permit allows a permittee to wholesale distribute to other alcoholic liquor permittees, which (except for the brew pub permittee) the other three beer permittees could do under prior law. Under the act, if the consolidated beer permittee wholesale distributes, he or she must make the beer available to all package store and grocery store permittees in the geographical region where they distribute, subject to reasonable limitations, as DCP determines.

On-premises Sales. Under the act, the consolidated beer permit allows retail beer sales for on-premises consumption,

with or without selling food. Under prior law, the beer manufacturer permit holder could not sell beer for on-premises consumption, while a farm brewery permit holder could, and the manufacturer permit holders for brew pubs and beer and brew pubs could sell all alcoholic liquor for on-premises consumption, with or without the sale of food.

Off-premises Sales. Under the act, the consolidated beer permit allows retail beer sales for off-premises consumption of up to nine gallons per person per day.

Production Limits and Requirements. The act also requires permittees to annually produce at least 5,000 gallons of beer before they can sell beer through a wholesaler. Prior law only imposed this minimum gallonage requirement on brew pub and beer and brew pub permittees.

Under prior law, a farm brewery permittee could only annually produce up to 75,000 gallons of beer and had to, among other things, use a certain minimum percentage of materials grown or malted in the state for the beer to be advertised and sold as “Connecticut Craft Beer.” The consolidated beer permit does not have either requirement.

Hours. As under prior law for permittees that manufacture beer, consolidated permittees may sell beer for off-premises consumption between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday. Under the act, a permittee may sell beer for on-premises consumption between 9:00 a.m. and 1:00 a.m. the next morning on Monday through Thursday, 9:00 a.m. and 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. and 1:00 a.m. the next morning on Sunday.

Permit Fees. Under the act, the annual fee for the consolidated manufacturer permit for beer is \$1,400. Under prior law, the annual fee for the manufacturer permit for (1) beer was \$1,000; (2) brew pub was \$300; (3) beer and brew pub was \$1,500; and (4) farm brewery was \$300.

Wine, Cider, and Mead Permit (§§ 3 & 5)

Starting July 1, 2020, the act creates a new manufacturer permit for wine, cider, and mead and eliminates the cider and apple brandy manufacturing permits. It allows the new permittee to manufacture those products in addition to wine and mead.

Allowed Products. The act allows a wine, cider, and mead permittee to manufacture wine, cider not exceeding 6% alcohol by volume (ABV), apple wine not exceeding 15% ABV, apple brandy, eau-de-vie, and mead. Under the act, “mead” is fermented honey, with or without adjunct ingredients or additions, regardless of (1) alcohol content; (2) processing; and (3) whether it is sparkling, carbonated, or still.

Requirements and Abilities. The wine, cider, and mead permit has substantially similar requirements and abilities as existing law’s farm winery permit. As is the case for other manufacturing permits, the new permit allows for the storage, bottling, and wholesale distribution of the permitted products that the permittee manufactured or bottled to other permittees. The act prohibits DCP from granting a permit unless it approves the place or plan of the place of manufacture.

Under the act, wine, cider, and mead permittees are authorized to do certain things existing farm wineries can, including:

1. selling in bulk from the premises;
2. directly selling and shipping to a retailer in the original sealed containers of up to 15 gallons each, if they annually produce 100,000 gallons or less;
3. selling and shipping to individuals outside the state and Connecticut consumers (see below); and
4. offering tastings of free samples, dispensed out of bottles or containers having capacities of less than two gallons.

Retail Sales. The act allows permittees to sell at retail and from the premises, sealed bottles or other containers for off-premises consumption. As is the case for other permittees that sell for off-premises consumption (e.g., package stores), the act allows these sales between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday.

The act also allows permittees to sell at retail from the premises, by the glass and bottle for on-premises consumption. As is the case for farm wineries under existing law, a wine, cider, and mead permittee may sell wine and offer tastings of free samples of its product between 10:00 a.m. and 10:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday.

Local Prohibition. The act allows towns, by ordinance or zoning regulation, to prohibit any offering, tasting, or retail sales at the premises within the town where the permit is issued.

Direct Shipment. As existing law requires for farm wineries shipping directly to a consumer, the act requires a wine, cider, and mead permittee, when shipping products directly to a consumer, to follow certain procedures. The permittee must:

1. ensure shipping labels on all containers conspicuously state:
“CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR

DELIVERY;”

2. obtain the signature of someone age 21 or older at the address before delivery, after requiring the signer to demonstrate his or her age by providing a driver’s license or identity card;
3. not ship more than five gallons per person of product in any two-month period;
4. pay to the Department of Revenue Services (DRS) all required sales and alcoholic beverage excise taxes and file all tax returns for these sales;
5. report to DCP a separate and complete record of all sales and shipments to consumers in Connecticut on a ledger or similar document that chronologically accounts the dealings;
6. not ship to an address in the state where the sale of alcoholic liquor is prohibited by local option; and
7. hold an in-state transporter’s permit or ship through someone who does.

Dual Permits. The act allows the wine, cider, and mead permittee to simultaneously hold certain permits a farm winery is allowed to hold under existing law. These permits, available from DCP for an additional fee, are for off-site tastings, in-state transporters, wine festivals, and farmers’ market sales (see below).

The additional permits allow the wine, cider, and mead permittees to, among other things:

1. sell and offer free samples at up to seven events or functions off the permit premises (CGS § 30-16a) (§ 10),
2. commercially transport any alcoholic liquor as permitted by law (CGS § 30-19f) (§ 11), and
3. participate in a wine festival that is organized and sponsored by an association that promotes manufacturing or selling wine (CGS § 30-37l) (§ 13).

Prohibitions. The act prohibits wine, cider, and mead permittees from selling products they did not manufacture, except they can sell (1) certain products from other wine, cider, and mead permittees and (2) brandy manufactured from fruit harvested in Connecticut and distilled off the premises, but in the state.

Advertising. Under the act, permittees must clearly and conspicuously state their liquor permit number on their advertisements when advertising or offering their products for direct shipments to Connecticut consumers online.

Farmers’ Markets. The act allows wine, cider, and mead permittees to sell and offer free tastings of their products at a farmers’ market that is operated as a nonprofit enterprise or association. This is contingent on the farmers’ market inviting the permittee to sell these products and the permittee receiving a farmers’ market sales permit (see §§ 15 & 27, below).

Permit Fee. The act requires permittees to pay an annual \$200 permit fee. The permit fees under prior law were: \$200 for cider and \$400 for apple brandy and eau-de-vie.

Holding Two Classes of Permits (§ 16)

The act allows a manufacturer permit for spirits; beer; a farm winery; or wine, cider, and mead to also be a holder of a Connecticut craft cafe permit (see below), a restaurant permit, or a restaurant permit for wine and beer.

Under existing law, unless an exception is made, permittees of one class are not allowed to be a permittee of another class (CGS § 30-48(a)).

Connecticut Craft Cafe Permit (§§ 16, 17 & 18)

The act establishes the Connecticut craft cafe permit, which allows a manufacturer permittee to sell Connecticut alcoholic liquor for on-premises consumption, upon receiving the permit. The on-premises consumption is allowed between 9:00 a.m. and 1:00 a.m. the next morning for Monday through Thursday, 9:00 a.m. and 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. and 1:00 a.m. the next morning on Sunday.

It requires the permittee to keep food available for sale and consumption by customers during a majority of the hours the permittee is open. The availability of food from outside vendors that are located on or near the premises is deemed to comply with this requirement. The annual fee is \$300.

Under the act, “craft cafe” means space in a suitable and permanent building, kept, used, maintained, advertised, and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for on-premises consumption, but not necessarily hot meals. The craft cafe must have an adequate number of employees. “Cafe” does not include public sleeping accommodations and a cafe does not need to have a kitchen or dining room.

Local Health Requirements. The act also requires the permit premises to comply with all local health department regulations. The act specifies that it must not be construed to require any food to be sold or purchased with alcoholic liquor, and any rule, regulation, or standard may not be adopted or enforced requiring the sale of food to be substantial or that the business’s receipts, other than from alcoholic liquor sales (see below), equal a set percentage of total sales receipts.

Outside Areas. Under the act, a Connecticut craft cafe permit allows, with prior DCP approval, alcoholic liquor to be

served at tables in outside areas if also permitted by fire, zoning, and health regulations. If there are no such regulations, the act prohibits DCP from requiring a fence or wall enclosing the outside area. The act prohibits any fence or wall used to enclose the area from being less than 30 inches high.

Growlers. The permit allows the retail sale of sealed containers the permittee supplies of draught beer for off-premises consumption (i.e., growlers). These sales may only be allowed during the hours allowed for off-premises sales. The act allows up to nine gallons of this beer to be sold to anyone on any day sales are allowed.

Allowable Products. The act allows a craft cafe permittee to purchase alcoholic liquor for resale from a manufacturer permittee for spirits; beer; farm winery; and wine, cider, and mead. But the permittee must not purchase the same type of alcoholic liquor he or she manufactures. Additionally, the sale of this alcoholic liquor must not be more than 20% of the permit holder's gross annual sales of alcoholic liquor sold for on-premises consumption.

Department of Agriculture (DoAg) Designations (§ 23)

The act allows manufacturer permittees who are on a farm that use farm products grown in the state to apply to the DoAg commissioner for permission to use the words "Connecticut Farm Winery," "Connecticut Farm Brewery," "Connecticut Farm Cidery," or substantially similar words, as he approves, when advertising or promoting this alcoholic liquor. At least 25% of the permittee's total annual alcoholic liquor product ingredients must be grown in the state to use these terms.

Additionally, the act allows a manufacturer permittee that uses Connecticut grown farm products to apply to DoAg for permission to use the words "Connecticut Grown," when advertising or promoting this alcoholic liquor. But at least 51% of the permittee's total annual alcoholic liquor product ingredients must be grown in the state to use this designation.

Before using these words in its advertising or promotions, and then annually, the permittee must apply to the DoAg commissioner on a form he prescribes with a \$25 registration fee for each designation.

The act allows the DoAg commissioner to adopt implementing regulations, which may include establishing minimum standards for advertising, promoting, growing, harvesting, processing, and manufacturing alcoholic liquor ingredients.

§§ 6 & 7 — GIFT BASKET RETAILER

Beginning July 1, 2020, the act allows gift basket retailer permittees to sell beer in their gift baskets in addition to wine as under prior law. Under the act, a gift basket can either have wine or beer, but not both.

The act requires the gift basket retailer permittee to purchase the beer from a package store or from a manufacturer permittee for beer. It also allows the wine to be purchased from a wine, cider, and mead permittee. As under existing law for wine, the beer must not be consumed on the premises. In addition to the items a permittee may already include in a gift basket (e.g., food items, nonalcoholic beverages, and certain articles of clothing), the act allows the permittee to sell gift baskets with (1) a maximum of 72 ounces of beer per basket; (2) beer-making kits; and (3) beer-related drinking glasses, bottle openers, and literature.

Under the act, a gift basket retailer permittee may only sell, deliver, or ship gift baskets containing beer directly to a Connecticut consumer. As under existing law for delivering wine, the permittee must:

1. ensure shipping labels on gift baskets containing beer conspicuously state: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY;"
2. ensure that someone who is at least age 21, as shown on a driver's license or identity card, signs for the delivery;
3. obtain a seller's permit and pay DRS all required sales taxes;
4. report to DCP a separate and complete record of all sales and shipments on a ledger or similar document that chronologically shows the dealings;
5. allow DCP and DRS, separately or jointly, to audit his or her records upon request; and
6. not ship to an address in the state where selling alcoholic liquor is prohibited by local option.

The act requires a permittee to clearly include his or her gift basket retailer permit number in all online advertising to ship beer. It also allows DCP, in consultation with DRS, to adopt regulations to ensure compliance with the beer shipment requirements.

§§ 2, 8 & 9 — NON-UNIFORM CASES

The act allows the sale of non-uniform cases (e.g., different brand products in one case) of one alcohol class. It does so by changing the definition of "case price" to include "class" while eliminating "brand, age, and proof," thus requiring cases to be of the same class but not the same brand, age, and proof. It uses federal standards to define the different classes, which include, among others:

1. spirits: whiskey, gin, brandy, and tequila (27 C.F.R. § 5.22);
2. wine: grape, sparkling grape, citrus, fruit, and other agricultural products (27 C.F.R. § 4.21); and
3. beer: malt beverages that have been concentrated by removing water, products containing less than 0.5% of alcohol by volume (27 C.F.R. § 7.24).

The act requires the monthly price schedules on a family brand case to contain the bottle price for each item in the family brand case, the unit price, and the case price. The bottle price posted for a family brand case must equal the bottle price posted for the same month in a case containing the one class and specific brand of alcoholic liquor. “Family brand” is a group of different products belonging to a single brand that are marketed under a parent brand. Family brand cases must be assembled and packaged by the supplier (presumably, the manufacturer) or by a third party on the supplier’s behalf; the act prohibits a wholesaler from assembling the case.

The act allows a wholesaler permittee, with the manufacturer’s or out-of-state shipper’s approval, to sell to a retail permittee a non-uniform case with only one class of alcoholic liquor. Wholesalers without exclusive rights to a given brand trademark may only sell a non-uniform case containing bottles of one class if all the bottles are available to all nonexclusive wholesalers who also have rights to the given brand trademarks.

§ 11 — IN-STATE TRANSPORTER RECORDKEEPING

Beginning July 1, 2020, the act requires an in-state transporter permittee to keep records of shipments of packages labeled as containing alcoholic liquor from outside the state for delivery either to a Connecticut consumer or retailer. The records must contain the:

1. name of the transporter permittee making the shipment,
2. shipment or delivery date,
3. out-of-state seller’s name and business address,
4. name and address of each consumer or in-state retailer,
5. weight of the package or containers delivered, and
6. a unique tracking number.

Under the act, a record must be kept at the in-state transporter’s place of business for at least 18 months after the delivery.

Upon the request of DCP or DRS, the in-state transporter must provide any of these records to the requesting agency within five business days of the request. A requested record is considered a public record and is subject to the Freedom of Information Act. In-state transporters must also make the records available for inspection and copying by DCP and DRS agents during regular business hours.

An in-state transporter permittee who fails to keep records or refuses to respond or provide documents to the requesting agency as the act requires is subject to a notification of violation, and permit suspension or revocation.

§ 14 — POTABLE WATER OR NON-ALCOHOLIC DRINKS

As under existing law for certain other manufacturer permittees, beginning July 1, 2020, the manufacturer permittee for spirits must provide free potable water to anyone requesting it or offer non-alcoholic beverages for sale when the distillery is open. The water must meet all federal and state requirements on drinking water purity and be provided in at least six ounce containers that allow for individual consumption.

§§ 15 & 27 — CONSOLIDATED FARMERS’ MARKET SALES PERMIT

Beginning July 1, 2020, the act consolidates the farmers’ market wine sales and beer sales permits into one farmers’ market sales permit and allows manufacturer permittees for wine, cider, and mead to obtain this permit to sell their product at farmers’ markets under the same conditions as beer and wine. The annual fee for the permit is \$250 with a \$100 nonrefundable filing fee.

As under both farmers’ market permits, the new consolidated permit allows manufacturers to sell their product if they are in compliance with the applicable manufacturing permit requirements. It allows these sales at the farmers’ market if the permittee (1) has an invitation from the farmers’ market; (2) only sells these products by the bottle or in sealed containers; and (3) is present, or has an authorized representative present, at the time of any sale. The permit authorizes the sale of these products during an unlimited number of appearances at a farmers’ market and at up to 10 locations per year. Prior law limited farmers’ market beer sales permittees to selling at three locations per year (CGS § 30-37r).

The act also allows any town or municipality, by ordinance or zoning regulation, to prohibit the sale of these products at a farmers’ market held in the town or municipality.

§§ 19, 21, 22 & 27 — CONSOLIDATION OF PERMITS FOR ON-PREMISES CONSUMPTION

Beginning July 1, 2020, the act consolidates various permits for on-premises consumption.

Restaurant Permit (§ 19)

The act (1) eliminates the restaurant permit for beer and (2) allows both a restaurant permit and a restaurant permit for beer and wine to have the abilities of a caterer liquor permit at no charge, but subject to the caterer liquor permit requirements.

By law, a caterer liquor permit, among other things, allows a permittee to sell and serve liquor, beer, spirits, and wine for on-premises consumption at any outside activity, event, or function for which he or she is hired, for a permit fee of \$440. Among other things, the permittee must notify DCP at least one business day before an event of the event's date, hours, and location. The notice must be given on a DCP-prescribed form or, if the caterer is unable to do so due to exigent circumstances, by telephone (CGS § 30-37j).

Hotel Permit (§ 21)

The act consolidates the various hotel permits by eliminating the hotel permit for beer and the differing permit fees for hotels based on population. Under prior law, a hotel permit for beer was \$300 and a hotel permit in towns with a population, according to the last census, of (1) up to 10,000 was \$1,450; (2) 10,001 to 50,000 was \$1,850; and (3) more than 50,001 was \$2,650. Under the act, the permit fee for all hotels is \$2,055.

The act also modifies the definition of hotel to (1) include places where food is available at all times when alcoholic liquor is available, rather than just where food is served when alcoholic liquor is served as under prior law and (2) eliminate the differing requirements based on the town's population for the minimum number of rooms used for sleeping accommodations and the minimum number of days in a week when food must be served depending on the town's population. Under the act, a hotel must have at least five rooms for sleeping accommodations and food must be served or available at least seven days a week, regardless of the town's population size.

Cafe Permit (§§ 22, 24 & 27)

The act combines various permits for on-premises consumption into the existing cafe permit. The annual fee for a cafe permit is \$2,000, which the act applies to the consolidated permittees, except the act phases in the new fee for prior holders of a tavern permit, with a first year permit fee of \$800, second year fee of \$1,200, third year fee of \$1,600, and subsequent years the full amount of \$2,000.

Certain prior permits only allowed the sale of wine or beer (e.g., university permit for beer). In consolidating the permits, the act eliminates these permits but allows these permittees to get the cafe permit, which allows the sale of all alcoholic liquor. The act repeals and deems the below listed permits to be in compliance with the cafe permit, thus allowing current permittees to receive the cafe permit once their permits expire. The following are the permits deemed in compliance with their respective permit fees:

1. airport restaurant, airport bar, and airport airline club permits (\$1,450, \$375, and \$815, respectively) (CGS § 30-37e);
2. special sporting facility permits (\$1,450) (CGS § 30-33b);
3. bowling establishment and racquetball facility permits (\$1,000 or \$440, depending on permit type) (CGS § 30-37c);
4. golf country club permits (\$1,000) (CGS § 30-24a);
5. club permits (\$300) (CGS § 30-23);
6. nonprofit club permits (\$815) (CGS § 30-23);
7. boat permits (\$500) (CGS § 30-29);
8. railroad permits (\$500) (CGS § 30-28);
9. special outing facility permits (\$1,450 or \$300, depending on permit type) (CGS § 30-33c); and
10. university liquor permits (\$300) (CGS § 30-20a(b)).

By law, cafe permittees must have food available for their customers to consume on the premises. The act allows the availability of food from outside vendors located on or near the premises to be deemed compliant with this requirement.

§ 20 — COLISEUM PERMIT

The act combines prior law's coliseum and coliseum concession permits by eliminating the concession permit and allowing the coliseum permit to cover similar activities. It also deems special outing facility permits (CGS § 30-33c) to be in compliance with coliseum permit requirements and allows these facilities (e.g., XL Center) to get a coliseum permit. The annual fee for a coliseum permit is \$2,250; the coliseum concession permit fee under prior law was \$1,250.

The act expands what types of buildings qualify for a coliseum permit by (1) eliminating the requirement that the structure have an enclosed roofed arena, enclosed passageways, and at least 10,000 square feet of enclosed buildings; (2) including soccer stadiums; and (3) reducing the minimum number of people, from 5,000 to 4,000, that may be seated. Additionally, under the act, an arena is the portion of a coliseum containing a floor area enclosed by permanent seating, rather than fixed as under prior law.

The act also makes various other changes to the coliseum permit, such as:

1. allowing alcoholic liquor to be sold (a) in any part of a coliseum, including the arena, which prior law prohibited and (b) at sporting events within the arena and at concession stands, rather than just beer as under prior law for a coliseum concession permit and
2. expanding when alcohol may be sold by allowing sales until one hour before the facility closes, rather than until one hour before the event ends.

The act also allows a coliseum permittee, backer, employee, or permittee's agent to sell, offer, or deliver two alcoholic liquor drinks at any one time to any person for his or her own consumption.

§ 26 — OUT-OF-STATE RETAILER SHIPPER'S PERMIT

Beginning July 1, 2019, the act establishes an out-of-state retailer shipper's permit for wine. Subject to a \$600 annual permit fee and the same requirements as an out-of-state winery shipper's permit, the act allows an out-of-state retailer to sell, deliver, and ship wine, apple wine, and cider sold by the retailer directly to a Connecticut consumer. The annual permit fee is \$600. Under existing law and the act, "out-of-state" means any state other than Connecticut, any U.S. territory or possession, Washington D.C., or Puerto Rico.

Under the act, the permittee, when selling and shipping wine directly to a consumer, must:

1. ensure shipping labels on containers of wine shipped directly to a Connecticut consumer conspicuously state: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY;"
2. ensure that someone who is at least age 21, as shown on a driver's license or identity card, signs for the delivery;
3. not ship more than five gallons in any two-month period to any person;
4. register with DRS for sales and use and alcoholic beverage excise tax purposes and pay taxes on the wine sales with the amount calculated as if the sales were made at the place of delivery;
5. report to DCP a separate and complete chronological record of all sales and shipments to consumers in the state;
6. allow DCP and DRS, separately or jointly, to audit records upon request;
7. not ship to an address in the state where alcoholic liquor sales are prohibited by local option;
8. hold an in-state transporter's permit or make shipments through someone with that permit; and
9. execute a written consent to Connecticut's jurisdiction, including that of its agencies, instrumentalities, and courts with respect to enforcement and any related laws, rules, or regulations, including tax laws, rules, or regulations.

In addition to these requirements, the act requires both an out-of-state retailer shipper's permittee for wine and an out-of-state winery shipper's permittee to adhere to existing law's ban on selling wine below costs (CGS § 30-68m).

Under the act, an out-of-state retailer shipper's permittee, when shipping wine directly to a consumer, is considered a retailer for sales and use tax purposes and must be issued a seller's permit. Additionally, for alcoholic beverage excise tax purposes, the permittee is considered a distributor and must receive the corresponding tax license.

The act requires the permittee, when advertising or offering wine for direct shipment to a Connecticut consumer, to clearly and conspicuously include his or her liquor permit number in all online advertising.

The act allows DCP, in consultation with DRS, to adopt regulations to assure compliance with the wine shipments.

PA 19-57—SB 848
General Law Committee

AN ACT CONCERNING FUNERAL SERVICE CONTRACTS AND CEMETERIES

SUMMARY: This act increases the maximum allowable amount of an irrevocable funeral service contract from \$8,000 to \$10,000 (see BACKGROUND). It requires these contracts to provide that after the contract's required services are performed, the remaining funds must be used to pay the state for the amount of public assistance the state paid on behalf of the decedent or his or her dependent child.

The act also eliminates the prohibition on selling crypts or rooms in a public mausoleum, or niches in a public columbarium, before the structures are completed. By law, mausolea and columbaria, subject to Department of Public Health approval and land use controls, may be operated in established cemeteries by municipalities, ecclesiastical societies, cemetery associations, or corporations.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2020, except the provision on selling crypts, rooms, and niches is effective July 1, 2019, and a conforming change is effective October 1, 2019.

REMAINING FUNDS

Under the act, beginning January 1, 2020, irrevocable funeral services contracts must provide that upon fulfilling the contract's requirements after the beneficiary's death, any remaining funds must be used to repay the state for (1) medical assistance the state paid on the beneficiary's behalf that is recoverable under federal law or (2) other public assistance it paid on behalf of the beneficiary or the beneficiary's dependent child. The amount provided to the state may not exceed the total amount of assistance it paid.

The act requires the funeral service establishment that provides the contract's required services to pay any such amount to the social services commissioner within 60 days after performing all of the services. If the establishment pays the funds to someone else, the act makes the establishment liable for repaying the funds.

BACKGROUND

Funeral Service Contracts

A funeral service contract is a contract requiring compensation in exchange for funeral, burial, or related services or items that are not immediately needed. Compensation may be paid as money, the delivery of securities, or the assignment of a life insurance policy's death benefit. These contracts are sometimes referred to as "prepaid" or "pre-need" funeral service contracts because the individual is paying for services to be provided in the future.

PA 19-177—sHB 7299
General Law Committee

AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES

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§§ 13-18 — ARCHITECTS

Expands DCP's role in licensing architects; requires continuing education for architects; establishes a registration credential for certain retired architects; and provides requirements for professional corporations with employee stock ownership plans

§ 28 — COMPOUNDING PHARMACIES

Generally requires compounding pharmacies to additionally comply with United States Pharmacopeia chapters 800 and 825, rather than only chapter 797, and requires state-licensed and institutional compounding pharmacies to designate a pharmacist responsible for overseeing compounding activities

§ 29 — NOTICE OF CERTAIN ACTIONS AGAINST PHARMACIES

Requires state-licensed pharmacies to report to DCP any administrative or legal action commenced against them by a state or federal regulatory agency or accreditation entity

§ 30 — CLASSIFICATION OF CONTROLLED SUBSTANCES

Terminates the temporary designation of controlled substances by virtue of federal action and instead makes such classifications permanent, unless DCP opts to change them

§ 31 — CLASSIFICATION OF MEDICINAL MARIJUANA PRODUCTS

Reclassifies on the state's controlled substances schedule federally approved medical marijuana products

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Allows appraisal management companies to do additional tasks and actions and prohibits certain former license-holders from owning a portion of the company

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Clarifies a definition in the cottage food statutes

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Specifies that professional corporations are the corporation type that are subject to the law's requirements for providing professional engineering or land surveying services

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

§§ 1 & 2 — DISPLAYING TRADESPERSON LICENSE NUMBERS

Subjects certain DCP-licensed tradesperson contractors to a fine of up to \$500 for failing to comply with license number display requirements

Under existing law, certain Department of Consumer Protection (DCP)-licensed tradesperson contractors must display their state license number on commercial vehicles and printed advertisements, bid proposals, contracts, invoices, and stationery they use in their business. The act requires that the license number be included on any such written materials, whether printed or not. The following trades are subject to this requirement: electrical; plumbing; solar; heating, piping, and cooling; elevator; fire protection sprinkler; irrigation; gas hearth; and residential stair lift.

The act subjects contractors that do not comply with license number display requirements to a fine of up to \$500, except for a first violation. The fine may be paid under the state's infraction procedures (i.e., one may pay the fine by mail to the Centralized Infractions Bureau without making a court appearance).

EFFECTIVE DATE: October 1, 2019

§ 3 — FOOD MANUFACTURING ESTABLISHMENT STANDARDS

Removes a provision specifying that the food manufacturing establishment enforcement laws do not prevent enforcement by local health authorities for sanitary conditions

The act eliminates a provision specifying that the food manufacturing establishment enforcement statutes do not prevent local health authorities from enforcing orders or regulations concerning sanitary conditions.

EFFECTIVE DATE: October 1, 2019

§§ 3-8 — FOOD WAREHOUSES

Generally subjects food warehouses to the laws applicable to bakeries and food manufacturing establishments

General Requirements

The act generally subjects food warehouses to the laws applicable to bakeries and food manufacturing establishments.

Generally, food warehouses are buildings or a part thereof where food is stored for wholesale distribution, provided it is used primarily for importing, storing, or distributing packaged food and not for operating a bakery or food manufacturing establishment. Packaged foods are those enclosed in a container or wrapping that do not allow food to be removed without breaking or tearing the wrapping, container, or seals (CGS § 21a-151).

Under the act, food warehouses must be designed, constructed, and operated under the same laws that apply to bakeries and food manufacturing facilities, including requirements that prohibit employees from (1) working in such an establishment if they have certain communicable diseases and (2) smoking in such an establishment. However, the act provides that food warehouses are not subject to the design and construction requirements if they registered in good standing before October 1, 2019, and are in good repair so that the food is properly protected and the premises is free of pests. The act specifies that all food warehouses, like bakeries and food manufacturing establishments, must continue to abide by the state's Uniform Food, Drug and Cosmetic Act, which gives DCP enforcement authority over such things as adulterated or misbranded food products.

The act requires that vehicles used to transport food warehouse products comply with the requirements applicable to those transporting bakery products, including legibly displaying the warehouse owner's, operator's, or distributor's name and address on both sides of the vehicle.

Licensing and Enforcement Actions

Under prior law, food warehouses had to obtain a DCP certificate of registration annually; under the act, they must obtain a DCP license annually, generally following an inspection, with the same \$20 fee. The act exempts from the inspection requirement food warehouses registered with DCP before October 1, 2019, that must transfer their registration into a new license.

The act requires food warehouse applicants, like bakery and food manufacturing establishment applicants, to show that their facility is operating in a location that complies with local land use regulations (i.e., obtains a certificate of approval from the local zoning commission, planning and zoning commission, or other local authority). The act exempts from this requirement food warehouses registered and in good standing before October 1, 2019.

Under the act, a warehouse's license may be revoked, after a hearing under the Uniform Administrative Procedure Act (UAPA), for violations of applicable laws. Unlike bakery and food manufacturing establishments, food warehouse licenses are not subject to summary suspensions pending a hearing. However, warehouses are subject to DCP enforcement orders and associated fines and penalties, just as bakeries and food manufacturing establishments are under existing law (certain offenses are a class D misdemeanor (see [Table on Penalties](#))).

EFFECTIVE DATE: October 1, 2019

§ 9 — INSPECTION AND TESTING ACTIVITIES

Specifies that for purposes of DCP's tradesperson licensing statutes, regulated work includes inspecting and testing the relevant systems

The act specifies that for purposes of certain DCP tradesperson licensing statutes, work in the following fields includes inspecting and testing the relevant systems: electrical; plumbing and piping work; solar thermal; heating, piping, and cooling; elevator installation, repair, and maintenance; fire protection sprinkler systems; lawn irrigation; medical gas vacuum systems; solar electricity; gas hearth products; and millwright work.

Under the act, "testing" means using testing and measurement instruments to determine a system's status given its intended use, with or without disassembling its component parts. The act's definition of testing also applies to existing law's definition of sheet metal work.

The act provides that "inspection" includes the examination of a system or portion thereof, involving disassembling or removing its component parts. But it specifically defines "elevator inspection" for purposes of the elevator installation, repair, and maintenance field to include the visual examination of an elevator system or portion thereof, with or without the disassembly or removal of component parts.

The act also expands the scope of the:

1. elevator maintenance field (which, by law, is distinct from elevator installation, repair, and maintenance) to include testing controls, hoistway, and car parts (inspection of such parts is already deemed part of the field), and
2. heating, piping, and cooling field to include onsite testing and balancing of hydronic, steam, and combustion air systems.

EFFECTIVE DATE: October 1, 2019

§ 10 — LIQUOR CONTROL ACT PERMITTEES

Allows DCP, rather than only suspending or revoking a liquor permit or provisional permit, to (1) place conditions on such a permit or (2) impose a fine of up to \$1,000

The act expands DCP's enforcement options for violations of the Liquor Control Act by permittees and provisional permittees. Under prior law, among other actions, DCP could either revoke or suspend a permit after a hearing for violations of the act. Under the act, DCP may alternatively, after a hearing, place conditions on a permit or impose a fine of up to \$1,000.

If DCP imposes a fine, notice of the hearing must include the charges on which the fine is based. As is the case for revocations and suspensions, fines may be appealed in accordance with the UAPA (i.e., appealed to Superior Court).

EFFECTIVE DATE: October 1, 2019

§ 11 — SURRENDERED OR EXPIRED CREDENTIALS

Specifically allows DCP to suspend, revoke, or impose other penalties permitted by law on certain licenses or certificates that are voluntarily surrendered and not renewed

The act specifically allows DCP to suspend, revoke, or impose penalties permitted by law on certain licenses or certificates that are voluntarily surrendered or not renewed. DCP's authority extends to licenses and certificates held by individuals subject to the oversight of the following boards and commissions:

1. Architectural Licensing Board;
2. examining boards for electrical work; plumbing and piping work; heating, piping, cooling and sheet metal work; elevator installation, repair, and maintenance work; fire protection sprinkler systems work; and automotive glass work and flat glass work;
3. Commission of Pharmacy;
4. State Board of Landscape Architects;
5. State Board of Examiners for Professional Engineers and Land Surveyors;
6. Connecticut Real Estate Commission;
7. Connecticut Real Estate Appraisal Commission;
8. Liquor Control Commission;
9. Home Inspection Licensing Board; and
10. State Board of Accountancy.

§§ 12 & 19-27 — COMMUNITY ASSOCIATION MANAGERS

Establishes a community association manager trainee registration; allows community association managers to have unregistered administrative staff; adds a continuing education requirement; creates a new penalty for someone who holds himself or herself out as a community association manager without a registration; and requires that insurance policies cover theft by trainees or staff

Community Association Manager Trainee Registration

The act establishes a nonrenewable registration for someone working under a community association manager's direct supervision to be trained in providing association management services.

Application Process. Under the act, an applicant for the training registration certificate must apply to DCP in writing on a department-provided form that includes the following information: the applicant's name, home and business addresses, and business telephone number; whether the applicant was convicted of a felony; and any other information DCP requires. The act limits the duration of the registration to six months. The application and registration have no associated fee.

Under the act, the Connecticut Real Estate Commission reviews and authorizes the trainee registrations, but DCP issues the registration. DCP or the commission may suspend, revoke, or refuse to issue a registration (see *Enforcement and Penalties*, below).

Scope of Registration. Under the act, a community association manager trainee must be directly supervised by and act under the direction of a registered community association manager. The services a trainee may provide include preparing financial documents, helping conduct association meetings, helping the association obtain insurance,

coordinating its operations, and advising the association on its operations. The act (1) specifically prohibits a trainee from collecting, controlling, or disbursing association funds and (2) makes the supervising manager liable for the trainee's actions or failures to act.

Community Association Managers

Administrative Staff. The act specifically allows community association managers to employ or contract with support or administrative staff who are unregistered as community association managers to conduct the following tasks:

1. answer telephone calls, forward calls to the community association manager, and take messages;
2. update files and forms;
3. schedule and coordinate meetings, teleconferences, service calls, and responses to maintenance and repair requests;
4. copy documents and prepare mailings to unit owners, vendors, and other third parties;
5. attend meetings and provide services such as taking notes to maintain accurate association records;
6. help maintain the association's financial information and records, including such things as responding to unit owners' account inquiries, and drafting checks for approved payments; and
7. implement the community association manager's decisions and directions.

The act also specifically prohibits support or administrative staff from having direct access to or control over association funds. It requires the community association manager to directly supervise, and makes the manager liable for, the work performed by his or her support or administrative staff (whether an employee or a contractor), including making sure that the staff is trained in the scope of their work and operating in compliance with the law.

Advertisements. By law, community association managers must include their registration numbers in advertisements. For business entities, the act requires that the advertisement identify at least one of the entity's principals, officers, or directors who is a community association manager and his or her registration number.

Continuing Education. The act eliminates, beginning October 1, 2019, a requirement for anyone issued a certificate of registration as a community association manager to, within one year after issuance, (1) successfully complete a nationally recognized course on community association management and (2) pass an examination.

The act instead establishes continuing education requirements for community association managers. Specifically, in order to renew a registration, a manager must complete 16 hours of continuing education over two years; keep proof of completing the education; and, upon request, provide it to DCP. The act specifies that the continuing education must consist of (1) a course or courses offered by the Connecticut Chapter of the Community Associations Institute on community association management techniques and common interest community law or (2) similar courses as may be prescribed by the DCP commissioner in regulations.

Insurance. Prior law required that those providing community association management services (e.g., controlling, collecting, having access to, or disbursing association funds) be insured by a commercially available insurance policy that protects association funds from theft by a community association manager, management company, or such company's employees. The act broadens this requirement by mandating that the insurance policy also cover theft by a community management association trainee.

The act provides that an insurance policy maintained by a common interest community unit owners' association complies with the requirement if it provides the same coverage as described above.

Registration Renewal. By law, community association manager registrations are valid for one year. The act allows a manager whose certificate has expired for more than one month, but not more than one year, to have his or her registration restored upon paying a \$50 fee in addition to the renewal fee. The restored registration is effective once DCP or the real estate commission approves the application.

Enforcement and Penalties

Decision Authority. The act authorizes DCP, instead of only the real estate commission, to hold hearings on matters related to community association manager registration and services. Existing law gives DCP and the commission the authority to issue subpoenas, administer oaths, compel testimony, and order the production of documents.

Registration Denial. Existing law requires DCP to notify an applicant of a denial to issue a community association manager registration and allows the applicant to request a hearing within 10 days after receiving the denial notice. The act also applies this notice requirement to manager trainee applicants.

The act shifts, from the commission to the department, the responsibility for (1) notifying an applicant of the reasons for denying the registration if a hearing is requested and (2) conducting the hearing.

Penalties. Under prior law, the Connecticut Real Estate Commission could place a registrant on probation or issue a

letter of reprimand for certain prohibited acts, such as making a material misrepresentation, being convicted of certain crimes, failing to account for or remit funds within a reasonable time, comingling funds in an escrow or trustee account, or failing to comply with education requirements.

The act provides that either the commission or DCP may take action against the registrants to (1) place conditions on a registration, rather than put someone on probation, or (2) issue a civil penalty of up to \$1,000 per violation, rather than issuing a letter of reprimand.

The act also extends to DCP the commission's ability to revoke, suspend, or refuse to issue or renew a registration.

Unregistered Managers and Trainees. The act prohibits anyone from holding himself or herself out as a community association manager trainee without being properly registered. The same ban applies under existing law to those holding themselves out as community association managers. The act also prohibits anyone from providing association management services without a registration unless doing so as support or administrative staff.

Under the act, if following a hearing DCP or the Connecticut Real Estate Commission finds that an individual held themselves out as a community association manager without the required registration, DCP or the commission may issue a cease and desist order and fine the individual up to \$500. The act subjects someone who falsely holds himself or herself out as a trainee to the existing general penalties for violating a provision of the community association manager laws.

Existing law, unchanged by the act, already subjects an individual who, among other things, falsely represents himself or herself as or impersonates a registered community association manager, to a fine of up to \$1,000, up to one year in prison, or both. The act specifies that this fine may be imposed only after an administrative hearing. Existing law also makes any violation of the community association manager registration laws an unfair or deceptive trade practice (see BACKGROUND).

EFFECTIVE DATE: October 1, 2019, except the provision establishing a new penalty for holding oneself out as a community association manager without the proper registration is effective upon passage.

§§ 13-18 — ARCHITECTS

Expands DCP's role in licensing architects; requires continuing education for architects; establishes a registration credential for certain retired architects; and provides requirements for professional corporations with employee stock ownership plans

Application Procedure

The act expands DCP's role in licensing architects. It requires applicants for an architect license to apply to DCP, rather than the Architectural Licensing Board as under prior law. (By law, the board is in DCP.)

The act provides that the DCP commissioner, instead of only a majority of the board, may determine whether an applicant has passed the architect examination. The act also allows the DCP commissioner, instead of only the board as under prior law, to accept application materials from architects credentialed in other states who may obtain a license in Connecticut without examination if they meet certain qualifications. And it requires DCP, rather than the board's secretary, to receive the initial licensure fee.

Architect Emeritus Registration

The act establishes a registration credential for previously licensed architects who have retired from active architecture practice (i.e., an "Architect Emeritus"). To qualify for the registration, a retired architect must (1) be at least 65 years of age and (2) have been licensed for at least 10 years in Connecticut. The registration fee is \$10.

Under the act, "Architect Emeritus" is an honorific title. The act prohibits someone with the title from engaging in the practice of architecture without applying for and obtaining an architect license.

Continuing Education

The act requires DCP to adopt regulations establishing continuing education requirements for renewing an architect license (see *Required Regulations*, below). For an architect to renew his or her license, he or she must submit evidence of completing the education requirements.

Enforcement Authority

Existing law allows the board to (1) suspend or revoke an architect license after notice and a hearing or (2) censure

an architect and impose a civil fine of up to \$1,000 for certain actions such as committing a felony, fraudulently obtaining a license, or being grossly incompetent or negligent in planning or constructing buildings.

The act extends this authority to the DCP commissioner and specifies that the imposed fine is per violation. It similarly allows the commissioner to reissue a revoked license and modify a suspension. (Existing law allows the board to perform these actions.)

Existing law allows the board to suspend for up to one year or revoke the certificate of authorization it issued to a corporation if the certificate was obtained by fraud or misrepresentation, the certificate holder does not follow the law's requirements, or the corporation's CEO or stock holders were censured or had their registrations suspended or revoked. The act extends the board's suspension or revocation authority to cases where the trustee of the corporation's stock ownership plan was censured or had his or her registration revoked.

Professional Corporations

Existing law allows architects, under certain conditions, to engage in business under a corporate form or with a corporation that includes architecture in its business. One of those conditions is that the holder or holders of at least two-thirds of the corporation's voting stock be licensed architects. The act specifies that this requirement applies to professional corporations.

Under the act, if a professional corporation has an employee stock ownership plan, as defined under federal law, the voting stock held by the plan may be used in lieu of, or in addition to, the corporation's licensees' voting stock to meet the two-thirds ownership requirement as long as at least two-thirds of the plan's trustees are licensed.

Under the act, when a corporation with an employee stock ownership plan seeks a certificate of authorization from DCP, the corporation must provide the name and addresses of the plan's trustees in addition to the other information required by law. The corporation must also report any change in the plan's trustees to the board within 30 days after the change.

Required Regulations

The act transfers, from the Architectural Licensing Board to DCP, the responsibility for adopting certain regulations related to architectural licensing. Consequently, it makes DCP responsible for adopting all architecture regulations.

Under prior law, the board had to adopt regulations on architectural licensing education and training requirements, examination eligibility requirements, appealing examination grades, reciprocal licensing, and other necessary matters. The act instead requires that DCP adopt the regulations in consultation with the board. The act also expands the scope of the required regulations to specifically include continuing education requirements and Architect Emeritus registration qualifications.

Under existing law, DCP must adopt regulations with the board's advice and help on (1) professional ethics and conduct, (2) the board's activities, and (3) licensure examinations.

EFFECTIVE DATE: October 1, 2019

§ 28 — COMPOUNDING PHARMACIES

Generally requires compounding pharmacies to additionally comply with United States Pharmacopeia chapters 800 and 825, rather than only chapter 797, and requires state-licensed and institutional compounding pharmacies to designate a pharmacist responsible for overseeing compounding activities

Compliance with Additional United States Pharmacopeia (USP) Chapters

Existing law requires nonresident, state-licensed, and institutional compounding pharmacies to comply with the most recent version of USP chapter 797 ("Pharmaceutical Compounding - Sterile Preparations"). The act requires covered pharmacies to also comply with (1) the most recent version of USP chapters 800 ("Hazardous Drugs - Handling in Healthcare Settings") and 825 ("Radiopharmaceuticals - Preparation, Compounding, Dispensing, and Repackaging") and (2) any companion documents referenced in the three chapters.

Clean Room Remodels, Relocations, Upgrades, and Repairs

Existing law requires compounding pharmacies that plan to remodel or relocate a pharmacy clean room or conduct nonemergency repair work to such room to give notice of the plans to DCP. The act specifies that this notice must be in

writing.

Designated Pharmacist

The act requires state-licensed and institutional pharmacies that provide sterile pharmaceuticals to designate a pharmacist responsible for overseeing sterile pharmaceutical compounding and the application of USP chapters as they relate to sterile compounding (i.e., chapters 797, 800, and 825). Designated pharmacists must provide DCP proof that they have completed a department-approved program that demonstrates the competence necessary for compounding sterile pharmaceuticals in compliance with all applicable federal and state laws and regulations.

Each pharmacy that provides sterile pharmaceuticals must notify DCP of its designated pharmacist; if such pharmacist loses the designation, he or she must immediately notify DCP. The act specifies that designated pharmacists are allowed to serve as pharmacy managers.

EFFECTIVE DATE: January 1, 2020

§ 29 — NOTICE OF CERTAIN ACTIONS AGAINST PHARMACIES

Requires state-licensed pharmacies to report to DCP any administrative or legal action commenced against them by a state or federal regulatory agency or accreditation entity

The act requires state-licensed pharmacies to report to DCP any administrative or legal action commenced against them by a state or federal regulatory agency or accreditation entity within 10 business days after receiving notice of the action. Existing law requires (1) state-licensed compounding pharmacies to report such information to DCP within five business days and (2) nonresident pharmacies to report similar information within 10 business days (CGS §§ 20-627(b)(8) & 20-633b(j)).

§ 30 — CLASSIFICATION OF CONTROLLED SUBSTANCES

Terminates the temporary designation of controlled substances by virtue of federal action and instead makes such classifications permanent, unless DCP opts to change them

Under prior law, if a drug was not classified in Connecticut's controlled substances schedule but was classified under the federal Controlled Substances Act, the federal classification automatically applied in Connecticut for 240 days at the same schedule. The act eliminates the temporary nature of these classifications, making them permanent. But the act specifies that the DCP commissioner, through regulations, may opt to change the classification of any controlled substance that is automatically classified under the act's provisions.

§ 31 — CLASSIFICATION OF MEDICINAL MARIJUANA PRODUCTS

Reclassifies on the state's controlled substances schedule federally approved medical marijuana products

Under prior law, DCP's regulations had to classify marijuana and marijuana products as schedule II controlled substances. The act creates an exception from this requirement for marijuana products that are approved by the federal Food and Drug Administration (FDA) or a successor agency as having a medical use. It requires the commissioner to adopt the schedule for such FDA-approved products that is designated by the federal Drug Enforcement Administration. Thus, they must be classified in Connecticut on the same schedule as they are under federal law (and if unclassified at the federal level, they must also be unclassified in Connecticut).

§§ 32-34 — REAL ESTATE APPRAISERS

Allows appraisal management companies to do additional tasks and actions and prohibits certain former license-holders from owning a portion of the company

The act allows appraisal management companies to receive an appraisal review request or order, instead of just receiving an appraisal request or order as under prior law. An appraisal review is a report that reviews, among other things, the accuracy of an appraisal.

The act also prohibits a person from owning an appraisal management company if the person had an appraiser license

or certificate denied, refused to be renewed, suspended, or revoked. Prior law allowed such person to own up to 10% of the company.

The act completely prohibits appraisal management companies from removing appraisers from the company's appraiser panel or refusing to assign requests or orders without (1) notifying them of the reasons for their removal and the nature of the alleged conduct or violation, if applicable and (2) providing them with an opportunity to respond. Under prior law, the company could take these actions without notice or an opportunity to respond if it did so within the first 30 days after the appraiser was initially added to a panel.

§ 35 — REAL ESTATE LICENSE REVOCATION HEARINGS

Eliminates the mandatory revocation of a real estate license for committing certain crimes and instead makes it discretionary

The act eliminates the automatic license forfeiture for real estate brokers and salespersons who are convicted of certain crimes involving fraud or money and instead allows DCP to revoke the license under existing law's revocation procedures. These crimes are forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other similar offenses.

§ 36 — CHARITABLE SOLICITATION REGISTRATION EXEMPTION

Specifies that certain charities that do not have to register with DCP are still exempt from registration even if they make solicitations

By law, charities that solicit generally need to register with DCP. Certain charitable organizations are exempt, including religious corporations, parent-teacher associations, non-profit hospitals, and any governmental unit, but exempt charities must submit any information the department requires to substantiate the exemption. The act specifies that these organizations do not need to register even if they engage in solicitation. However, they must provide the information substantiating the exemption before conducting any solicitation or having any solicitation done on their behalf.

§ 37 — FINES FOR UNCOLLECTIBLE ELECTRONIC PAYMENTS

Allows DCP to impose a \$20 fine for certain returned electronic fund transfers

As already allowed under existing law for returned checks, the act allows the DCP commissioner to (1) impose a \$20 fine on any DCP permit or license applicant whose electronic funds transfer is returned as uncollectable and (2) require the applicant to pay DCP any fees a financial institution charges the department due to the returned transfer.

§ 38 — POTENTIALLY HAZARDOUS COTTAGE FOOD

Clarifies a definition in the cottage food statutes

The law prohibits cottage food producers from producing potentially hazardous foods. Under prior law, these were foods requiring time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. The act specifies that the time and temperature control for food safety must be consistent with the FDA's Food Code definition and adopted by the public health commissioner by reference.

§ 39 — ENGINEERING AND LAND SURVEYING CORPORATIONS

Specifies that professional corporations are the corporation type that are subject to the law's requirements for providing professional engineering or land surveying services

The act specifies that professional corporations are the corporation type that is subject to the requirements for practicing or offering to practice professional engineering or land surveying services in the state. By law, these entities must have at least two-thirds of their (1) owners be individually licensed and (2) voting stock owned by individually licensed owners.

EFFECTIVE DATE: October 1, 2019

BACKGROUND*Connecticut Unfair Trade Practices Act (CUTPA)*

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the 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 \$10,000, 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 attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

PA 19-183—sHB 7286*General Law Committee***AN ACT CONCERNING HOME INSPECTORS AND APPRAISERS**

SUMMARY: This act requires the Department of Consumer Protection (DCP) commissioner or her agent to publish, maintain, and annually update a list of all DCP-licensed home inspectors on the department's website.

The act also allows the commissioner, before issuing or renewing an appraisal management company's registration, to determine to her satisfaction that the company pays independent appraisers at a "customary and reasonable" rate, in compliance with the federal Truth in Lending Act (15 U.S.C. § 1639e(i)). Under the federal law, the rate is based on the market area of the property being appraised and evidence for the fees may be set by objective third-party information, such as government agency fee schedules, academic studies, and independent private sector surveys.

EFFECTIVE DATE: October 1, 2019

PA 19-191—sHB 7159*General Law Committee**Public Health Committee***AN ACT ADDRESSING OPIOID USE**

SUMMARY: This act makes various changes in the statutes to prevent and treat opioid use disorder. Among other things, it:

1. generally requires pharmacists to offer consultations to all patients when dispensing a prescription, not just Medicaid patients as under prior law (§§ 1 & 2);
2. allows pharmacists to designate a trained pharmacy technician to access the state's Connecticut Prescription Monitoring and Reporting System ("CPMRS") on their behalf (§ 3);
3. specifies that prescribing practitioners or their agents are not prohibited from disclosing CPMRS information about pharmacy- or veterinarian-dispensed prescriptions to the Department of Social Services (DSS) to administer medical assistance programs (e.g., Medicaid) (§ 3);
4. requires drug manufacturers and wholesalers to report to the Department of Consumer Protection (DCP) certain decisions to terminate or refuse an order from a pharmacy or prescribing practitioner for schedule II to V controlled substances (§ 4);
5. prohibits life insurance and annuity policies or contracts from excluding coverage solely based on an individual having received a prescription for the opioid antagonist naloxone (§ 5);
6. requires prescribing practitioners who prescribe an opioid drug with more than a 12-week supply to establish a treatment agreement with the patient or discuss a care plan for chronic opioid drug use (§ 6);
7. requires higher education institutions to develop and implement a policy by January 1, 2020, on the availability and use of opioid antagonists by students and employees and generally notify emergency medical providers when an opioid antagonist is used (§ 7);
8. requires the Department of Mental Health and Addiction Services (DMHAS) to review and report to the legislature on literature about the efficacy of providing home-based treatment and recovery services for opioid

- use disorder to certain Medicaid beneficiaries (§ 8);
9. generally requires DMHAS-operated or -approved treatment programs to educate patients with opioid use disorder, and their relatives and significant others, on opioid antagonists and how to administer them (§ 9);
 10. makes various changes to the credentialing of certain emergency medical services (EMS) personnel, such as requiring applicants on or after January 1, 2020, to complete (a) mental health first aid training and (b) national training and examination requirements (§ 10);
 11. requires hospitals, starting January 1, 2020, to administer a mental health screening or assessment on patients treated for a nonfatal opioid drug overdose if it is medically appropriate to do so (§ 11); and
 12. requires DMHAS to study and report on the protocol for police detention of someone suspected of overdosing on an opioid drug and the implications of involuntarily transporting such a person to an emergency department (ED) (§ 13).

The act also makes technical, conforming, and minor changes including replacing a reference to “licensed mental health professional” in the alcohol and drug counselor credentialing statutes with “licensed behavioral health professional” (§ 12).

EFFECTIVE DATE: Various, see below (the provision replacing the reference to a licensed mental health professional is effective upon passage).

§§ 1 & 2 — PHARMACIST CONSULTATIONS

The act requires pharmacists or another pharmacy employee, whenever practical and before or while dispensing a drug, to offer for the pharmacist to counsel a patient on the drug and its use. The requirement does not apply if the (1) person picking up the prescription is not the patient or (2) pharmacist determines it is appropriate to make the offer in writing. A written offer must give the patient the option to communicate in person at the pharmacy or by telephone.

The act’s consultation requirement applies to (1) hospital pharmacies, when dispensing a drug for outpatient use or use by an employee or the employee’s spouse or children, and (2) state-licensed pharmacies. Under the act, pharmacists are not required to provide counseling if a patient refuses it.

Pharmacists must keep a record for three years of (1) any counseling provided and (2) a patient’s refusal of counseling, refusal to provide information regarding counseling, or inability to accept counseling.

Under prior law pharmacists had to make such consultation offers and keep related records only when dispensing prescriptions to Medicaid patients (CGS § 20-620).

EFFECTIVE DATE: October 1, 2019

§ 3 — PHARMACY TECHNICIANS’ ACCESS TO CPMRS

By law, prescribing practitioners can designate an agent (e.g., medical assistant or registered nurse) to consult the CPMRS before writing certain controlled substance prescriptions, as required by law. The act similarly allows pharmacists to designate a pharmacy technician to consult the CPMRS before dispensing such controlled substance prescriptions. It generally subjects pharmacy technicians and their supervising pharmacists to the same requirements that apply to prescribing practitioners and their agents (e.g., confidentiality and liability for the agent’s database misuse).

Under the act, before designating a pharmacy technician to access the CPMRS, the supervising pharmacist must train the technician in how to do so. The training must designate a pharmacist to ensure such access is confined to what is permitted under the act and occurs in a manner that protects the confidentiality of patient information. The pharmacist overseeing the pharmacy technician may be subject to disciplinary action for the technician’s acts. Additionally, the DCP commissioner may inspect any records documenting that (1) the required training was provided, (2) designated technicians have access to the CPMRS, and (3) patient prescription information is limited as required by law.

Under the act, no one can prohibit, discourage, or impede a designated pharmacy technician from consulting the CPMRS. The act prohibits these technicians from disclosing any CPMRS requests unless authorized by the state Pharmacy Practice Act or dependency-producing drug laws.

By law, the CPMRS collects prescription data on Schedule II-V controlled substances in a centralized online database (CGS § 21a-254(j); Conn. Agencies Regs. § 21a-254-2 et seq.). It seeks to present a complete picture of a patient’s controlled substance use to pharmacists and prescribing practitioners, including prescriptions from other practitioners.

EFFECTIVE DATE: Upon passage

§ 4 — MANUFACTURER’S DUTY TO REPORT CERTAIN DECISIONS TO DCP

The act requires DCP-registered drug manufacturers and wholesalers to report to DCP’s Drug Control Division, or a designated electronic system, of their decision to stop distributing or refuse to distribute a schedule II through V controlled substance to a state-licensed pharmacy or practitioner because of potential diversion concerns. (Practitioners include physicians, dentists, veterinarians, and advanced practice registered nurses, among others.) They must do this in writing within five business days after making the decision and include in the report the name and location of the pharmacy or practitioner and the reasons for the decision.

EFFECTIVE DATE: October 1, 2019

§ 5 — OPIOID ANTAGONIST PRESCRIPTION INFORMATION AND LIFE INSURANCE AND ANNUITY POLICIES

The act prohibits life insurance or annuity policies or contracts delivered, issued, renewed, or continued in the state from excluding coverage solely based on an individual having received a prescription for naloxone (an opioid antagonist), a naloxone biosimilar, or naloxone generic. It also prohibits related applications, riders, and endorsements to such policies or contracts from excluding coverage solely based on receiving such a prescription.

EFFECTIVE DATE: October 1, 2019

§ 6 — PRESCRIBING OPIOIDS

The act requires a prescribing practitioner who prescribes more than a 12-week supply of an opioid drug to treat a patient’s pain to (1) establish a treatment agreement with the patient or (2) discuss with the patient a care plan for the chronic use of opioid drugs. The agreement or plan must include treatment goals, risks of opioid drug use, urine drug screens, and expectations for continued pain treatment with opioids, such as situations requiring the patient to discontinue their use. It must also include, to the extent possible, nonopioid treatment options such as manipulation, massage therapy, acupuncture, physical therapy, and other regimens or modalities. The agreement or plan must be recorded in the patient’s medical record.

EFFECTIVE DATE: October 1, 2019

§ 7 — ACCESS TO OPIOID ANTAGONISTS AT HIGHER EDUCATION INSTITUTIONS

The act requires each higher education institution president in the state, by January 1, 2020, to (1) develop and implement a policy on the availability and use of opioid antagonists by students and employees, (2) submit it to DCP for approval, and (3) post it on the institution’s website once it is approved.

Under the act, each institution’s policy must do the following:

1. designate a medical or public safety professional to oversee purchasing, storing, and distributing opioid antagonists on each of the institution’s campuses;
2. identify where on each campus opioid antagonists are stored and make such locations known and accessible to students and employees;
3. require maintaining the opioid antagonist supply according to manufacturer guidelines; and
4. require an institution representative to call 911 or a local EMS provider after each observed or reported use unless the treated person has already received medical treatment for the opioid-related drug overdose.

EFFECTIVE DATE: July 1, 2019

§ 8 — HOME-BASED OPIOID USE DISORDER TREATMENT

The act requires DMHAS, in collaboration with DSS and the Department of Public Health (DPH), to review and report on literature about the efficacy of using licensed providers of substance use disorder treatment services (e.g., home health agencies) to provide home-based treatment and recovery services for certain people with opioid use disorder.

Under the act, the review must include the provision of medication-assisted treatment to Medicaid recipients who visit an ED (1) due to a suspected opioid drug overdose or (2) (a) with a primary or secondary opioid use disorder diagnosis and (b) an ED physician determines that the patient has a moderate to severe risk of relapse and the potential for continued opioid drug use.

The DMHAS commissioner must report on the review’s outcome to the Human Services and Public Health committees by January 1, 2020.

EFFECTIVE DATE: July 1, 2019

§ 9 — PATIENT EDUCATION REQUIREMENTS FOR TREATMENT PROGRAMS

The act requires DMHAS-operated or -approved substance use treatment programs that provide treatment or detoxification services to someone with an opioid use disorder to offer education on opioid antagonists and how to administer them. They must offer it to (1) patients when they are admitted to the program or receive first treatment services and (2) the patient's identified relatives and significant other.

Additionally, the act requires a prescribing practitioner affiliated with a treatment program to deliver or issue a prescription for at least one dose of an opioid antagonist to a patient whom the prescriber determines would benefit from it. The prescription must be issued when the patient is admitted to the program or first receives treatment services.

EFFECTIVE DATE: October 1, 2019

§ 10 — EMS PERSONNEL

Mental Health First Aid Training

Starting January 1, 2020, the act requires all applicants for a paramedic license or emergency medical technician (EMT), advanced EMT, or emergency medical responder (EMR) certificate to complete mental health first aid training as part of a program provided by a National Council for Behavioral Health-certified instructor.

National Certification for Certain EMS Personnel

Starting January 1, 2020, the act generally requires applicants for EMR, EMT, or advanced EMT certification to obtain certification from a national organization for emergency medical certification in lieu of prior state certification and licensure requirements. The table below lists prior law's initial certification requirements; the act's requirements follow the table.

Prior Law's Initial Certification Requirements for EMRs, EMTs, and Advanced EMTs

Profession	Prior Law's Education and Training Requirements for Initial Certification
EMR	(1) Complete a 60-hour DPH-approved training that includes written and practical examinations or (2) be certified as an EMT, advanced EMT, or paramedic and pass the examination required for an initial EMR training program
EMT	(1) Complete a 150-hour DPH-approved training that includes written and practical examinations or (2) be licensed as a physician, registered or advanced practice registered nurse, or physician assistant and complete a 30-hour DPH-approved refresher course and pass written and practical examinations
Advanced EMT	(1) Be certified as an EMT and (2) complete a 150-hour DPH-approved training that includes written and practical examinations or meets or exceeds the 2009 National EMS Education Standards for the profession

Initial Certification. Under the act, applicants for initial certification as an EMR, EMT, or advanced EMT must (1) complete an initial training program consistent with the National Highway Traffic Safety Administration's National EMS Education Standards for their respective profession and (2) pass the national organization for emergency medical certification's examination for their respective profession or a DPH-approved examination.

In addition, applicants must (1) complete mental health first aid training as specified above and (2) as under prior law, have no pending disciplinary action or complaint against them.

Certification Renewal. The act requires EMRs, EMTs, advanced EMTs, and EMS instructors to renew their certifications every two years, rather than every three years as under prior law.

The act requires applicants seeking to renew certification as an EMR, EMT, or advanced EMT to (1) successfully complete the continuing education required by the national organization or approved by DPH or (2) be currently certified in their respective professions by the national organization.

Certification by Endorsement. As under prior law, the act requires EMR, EMT, and advanced EMT applicants for certification by endorsement (i.e., those currently certified in another state) to present satisfactory evidence to the DPH

commissioner that they are currently certified in good standing in their respective profession by a state with requirements DPH determines are at least as strict as Connecticut's. It additionally grants certification to such applicants who are currently certified by the national organization.

EFFECTIVE DATE: October 1, 2019

§ 11 — MENTAL HEALTH SCREENINGS FOR CERTAIN HOSPITAL PATIENTS

Starting January 1, 2020, the act requires licensed hospitals that treat patients for nonfatal opioid drug overdoses to administer mental health screenings or patient assessments if it is medically appropriate to do so. It also requires hospitals to provide screening or assessment results to the patient or his or her parent, guardian, or legal representative, if medically appropriate.

EFFECTIVE DATE: October 1, 2019

§ 13 — STUDY ON DETENTION PROTOCOLS

The act requires DMHAS, in collaboration with DPH and any other relevant entity the agencies designate, to study the (1) protocol for police officers when detaining someone suspected of overdosing on an opioid drug and (2) implications of involuntarily transporting someone suspected of overdosing on such drug to the ED and referring the person to a recovery coach to help him or her obtain or receive recovery resources.

The DMHAS and DPH commissioners must report on the study to the Public Health Committee by January 1, 2020.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 19-118 contains similar provisions on licensing EMS personnel, but also includes new certification requirements for EMS instructors.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

PA 19-26—SB 26

Higher Education and Employment Advancement Committee

AN ACT MAKING PERMANENT THE MORATORIUM ON THE APPROVAL OF PROGRAMS AT INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: Prior law exempted certain independent higher education institutions from requirements related to the Office of Higher Education's (OHE) approval process for new programs and program modifications until July 1, 2020. The act makes this exemption permanent.

Under existing law, unchanged by the act, the exemption applies to such institutions if they:

1. are eligible to participate in the Federal Family Education Loan program;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education (USDE), for the most recent fiscal year for which data is available; and
3. have been located in Connecticut and accredited as a degree-granting institution in good standing for at least 10 years by a federally recognized regional accrediting association (see BACKGROUND).

The permanent exemption applies for up to 12 new programs per institution; additional new programs are subject to OHE approval. The act does not cap the number of program modifications per institution.

Existing law requires exempt institutions to file with OHE a program action form created by the office prior to students enrolling in (1) any new program or (2) any program being modified. They must also annually file a description of their prior program approval process and any new programs, including all actions their respective governing boards took concerning new program approvals.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Financial Responsibility Score

According to the USDE, the composite score reflects the overall relative financial health of institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

Independent Institution of Higher Education

By law, an "independent institution of higher education" is a nonprofit higher education institution established in Connecticut that (1) has degree granting authority, (2) has its main campus in-state, (3) is not included in the Connecticut public higher education system, and (4) is not primarily training students for a religious vocation (CGS § 10a-173).

Already Exempt Institutions

In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from OHE's program approval authority. These institutions, classified by OHE as national independents, are longstanding institutions that predate the state's regulation of postsecondary academic programs. Additionally, their charters give the schools the authority to decide which degrees to confer and do not require state approval for additional degrees.

PA 19-83—SB 815

Higher Education and Employment Advancement Committee

AN ACT ALLOWING INSURANCE POLICIES IN LIEU OF SURETY BONDS

SUMMARY: This act allows the Connecticut Health and Educational Facilities Authority (CHEFA) and its subsidiary, the Connecticut Higher Education Supplemental Loan Authority (CHESLA), to each obtain an insurance policy or policies in lieu of a surety bond to cover the authority if certain individuals fail to faithfully perform their duties.

Prior law required (1) each CHEFA board member to execute a \$50,000 surety bond, and the executive director and other authorized officers to execute a \$100,000 surety bond, and (2) the CHESLA chairperson, vice-chairperson,

executive director, other board members authorized to handle funds or sign checks, and any other authorized officer to execute a \$50,000 surety bond. Alternatively, the law requires the CHEFA and CHESLA board chairpersons to each execute a blanket position bond covering their executive director, board members, and other authority employees. The authorities must pay the cost of each such bond (see BACKGROUND).

The act allows CHEFA or CHESLA to choose to obtain an insurance policy instead of a surety bond; if so, the policy must be in the penal sum of at least \$100,000 for each occurrence (see BACKGROUND). The policy must cover the applicable authority if the executive director or other officer, employee, or board member performing specific directorial acts fails to faithfully perform his or her duties. The authority must determine any applicable deductible or self-insured retention (see BACKGROUND) and pay the coverage cost of the policy.

The act also makes two technical changes.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Position Bond

A position bond compensates a company in the event of employee fraud, including the theft of money, securities, or property. The bond limits the coverage to each position named in the policy, regardless of how many people hold that position.

Penal Sum

Similar to an insurance policy limit, a penal sum is the maximum amount of money a surety company will pay out under a bond.

Self-Insured Retention

Self-insured retention is the dollar amount specified in a liability insurance policy that the insured must pay before the insurance policy will respond to the loss.

PA 19-87—SB 81

Higher Education and Employment Advancement Committee

AN ACT MAKING CERTAIN INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE OCCUPATIONAL SCHOOLS INELIGIBLE FOR PUBLIC FUNDS AND LICENSURE

SUMMARY: Beginning January 1, 2020, this act imposes disclosure requirements on for-profit colleges and universities and private occupational schools that require students, as an enrollment condition, to enter into agreements limiting their legal recourse in claims against the institutions. Under the act, these institutions must disclose the nature and status of certain legal claims against them as part of their applications to the Office of Higher Education (OHE) for licensure, accreditation, or certificates of authorization, as applicable.

The act allows OHE to investigate and take punitive action against such institutions for noncompliance through various measures, including denying licensure, accreditation, or certificates of authorization; imposing monetary penalties; or seeking court orders.

EFFECTIVE DATE: July 1, 2019

§§ 1 & 2 — AFFECTED INSTITUTIONS

By law, OHE administers the state's (1) licensing and accreditation process for degree-granting, for-profit colleges and universities and (2) certificate of authorization process for private occupational schools (see BACKGROUND). The act requires these higher education institutions to make certain disclosures when applying to OHE for initial or renewed licensure, accreditation, or certificates of authorization if they require students to enter into an enrollment agreement that contains any provision (1) limiting participation in a class action against the institution; (2) limiting any claim students may have against the institution or the damages associated with the claim; or (3) requiring students to bring claims against

the institution in a forum that is less convenient, more costly, or slower-moving than an in-state judicial forum.

§§ 1 & 2 — REQUIRED DISCLOSURES

Under the act, any for-profit college or university or private occupational school with a student enrollment agreement containing any of the above provisions must disclose the following to OHE in its application for initial or renewed licensure, accreditation, or certificate of authorization: (1) the number and status of claims made against the institution by current or former students, including those made against any subsidiary or parent organization, and (2) a description of the nature of the rights asserted. The OHE executive director may also require these institutions to submit additional details about these claims.

The act does not specify how far back in time these institutions must go when disclosing these claims.

§§ 5 & 8 — INVESTIGATORY AUTHORITY

The act grants the OHE executive director or his designee the authority to review, inspect, and investigate for-profit colleges and universities and private occupational schools for possible failure to include the required disclosures in applications for licensure or accreditation or certificates of authorization. Consistent with the executive director's investigative powers under existing law, the act allows him to administer oaths, issue subpoenas, compel testimony, and order the production of any record or document. It also allows him to petition the Hartford Superior Court to enforce his order to appear, testify, or produce any record or document.

§§ 1-4, 6 & 7 — PUNITIVE ACTION

The act grants OHE the authority to take punitive action against for-profit colleges and universities and private occupational schools using various measures.

Denial of Licensure, Accreditation, or Certificate of Authorization (§§ 1 & 2)

The act allows the OHE executive director to deny a for-profit college's or university's initial or renewed application for licensure or accreditation if (1) the school fails to include the required disclosures about legal claims in its application or (2) he determines, upon reviewing the required disclosures, that a denial is warranted to protect student interests. The act also allows the director to deny a private occupational school's initial or renewed application for a certificate of authorization under the same circumstances.

Regarding accreditation for a for-profit college or university, the executive director may refuse to accept, or may withdraw previously accepted, regional accreditation for the institution, irrespective of a state law that generally requires OHE to accept regional accreditation (see BACKGROUND).

Monetary Penalties (§§ 1-3 & 6)

The act allows the OHE executive director to withhold state and federal funding from a for-profit college or university or private occupational school under either of the same two circumstances that allow him to deny the institution's licensure, accreditation, or certificate of authorization (see above).

Additionally, the act allows the executive director to assess an administrative penalty of up to \$500 per day against those institutions, presumably for failure to include the required disclosures in the above applications. By law, parties aggrieved by such a penalty may request a hearing before OHE (CGS §§ 10a-34a(d) & -22i(d)).

Court Orders (§§ 4 & 7)

The act allows the OHE executive director, through the attorney general, to seek an injunction through the Superior Court, presumably to prevent any for-profit college or university from failing to include the required disclosures in applications for licensure or accreditation. (Generally, an injunction prohibits a party from doing an act or continuing to do an act, but in some cases it prohibits a party's continued inaction.)

Similarly, the act allows the OHE executive director, through the attorney general, to seek a court order through the Superior Court to prevent any private occupational school from failing to include the required disclosures in applications for certificates of authorization.

BACKGROUND

Private Occupational Schools

Private occupational schools are privately controlled and offer instruction in trades or industrial, commercial, professional, or service occupations for a fee (CGS § 10a-22a).

Accreditation Acceptance

Connecticut's degree-granting higher education institutions are regionally accredited by the New England Commission of Higher Education. By law, OHE must accept regional accreditation unless it finds cause not to rely upon such accreditation (CGS § 10a-34(i)).

PA 19-103—sHB 5833

*Higher Education and Employment Advancement Committee
Education Committee*

AN ACT ESTABLISHING A PILOT PROGRAM FOR THE EXPANSION OF ADVANCED MANUFACTURING CERTIFICATE PROGRAMS

SUMMARY: This act requires the Board of Regents for Higher Education (BOR) to create a program by January 1, 2020, that establishes an advanced manufacturing certificate program in no more than one Connecticut public high school per year. This program must enroll the following participants beginning in fall 2020:

1. public high school juniors and seniors, who may simultaneously earn high school and college credits along with an advanced manufacturing certificate while enrolled in high school, and
2. adults, who may take classes at the high school location during evening and weekend hours to earn an advanced manufacturing certificate, subject to the host board of education's approval.

The act requires BOR to (1) develop an application process and selection criteria for interested local and regional boards of education and their high schools and (2) explore possible funding mechanisms for the program. Additionally, it requires a memorandum of understanding (MOU) between participating boards of education and BOR to govern the program's operation at the high school locations.

The act also allows BOR to collaborate with an independent institution of higher education to operate the above described advanced manufacturing certificate program in a high school whose board of education applies to participate.

By January 1, 2021, the BOR president must begin reporting annually, in consultation with the president of any independent institution of higher education with which BOR chooses to collaborate, to the Higher Education and Education committees about this program's operation and effectiveness along with any recommendations for its expansion. (In practice, BOR does not have a president, but the president of the Connecticut State Colleges and Universities serves on BOR and could presumably deliver the report.)

EFFECTIVE DATE: July 1, 2019

PROGRAM APPLICATION PROCESS AND SELECTION CRITERIA

Under the act, BOR must determine the form and manner by which a board of education may apply to have a high school under its jurisdiction participate in the program. Any board may apply for solo participation or joint participation with another public school district's board.

Additionally, BOR must establish the criteria it will use to select a high school to participate in the program. The criteria must, at a minimum, prioritize the placement of advanced manufacturing certificate programs in areas of the state that have (1) a need for a workforce trained in advanced manufacturing, (2) economically distressed municipalities, (3) residents who lack access to these programs near their homes, and (4) sufficient space in a public high school to operate a program.

PROGRAM FUNDING

The act requires BOR to explore the following mechanisms for program funding: public-private partnerships, grant

programs, federal or state funds through Workforce Investment Boards, any relevant Department of Economic and Community Development program, the Connecticut Manufacturing Innovation Fund, and the Department of Labor's Office of Apprenticeship Training.

MOU BETWEEN BOARDS OF EDUCATION AND BOR

Under the act, any board of education that BOR selects to participate in the program must enter into an MOU and any other relevant agreement with BOR to operate the program at a public high school in the school district.

For the purposes of this act, BOR may enter into an MOU or any other relevant agreement with participating boards of education, which must include the following: (1) operating hours and staffing levels for the program at the public high school, (2) student admission standards and the program's application process, and (3) the number of high school and college credits the enrolled students may earn after successfully completing the program. For purposes of the MOU or other relevant agreement, the act exempts BOR from statutory requirements pertaining to (1) state facilities planning, (2) Department of Administrative Services (DAS) execution of facility leases for state agencies, and (3) approval of certain state lease renewals by the DAS commissioner and the State Properties Review Board.

COLLABORATION WITH INDEPENDENT HIGHER EDUCATION INSTITUTIONS

The act allows BOR to collaborate with a private, nonprofit Connecticut college or university ("independent institution of higher education") that offers an advanced manufacturing certificate program to operate the program at a public high school, so long as the board of education selected for the program agrees to the collaboration. If the board agrees, then it must enter into an MOU and any other relevant agreement with the independent higher education institution for the program's operation.

PA 19-174—HB 7253

Higher Education and Employment Advancement Committee

AN ACT CONCERNING DISTANCE LEARNING PROGRAMS OPERATED BY INSTITUTIONS OF HIGHER EDUCATION OUTSIDE OF THE STATE

SUMMARY: This act requires out-of-state higher education institutions that do not participate in the State Authorization Reciprocity Agreement (SARA) to apply for authorization from the Office of Higher Education (OHE) to operate distance learning programs in Connecticut. SARA is a voluntary, multistate agreement that establishes uniform national standards for participating higher education institutions offering interstate, postsecondary distance learning programs. (Connecticut is among SARA's member states.) Existing state law allows an out-of-state institution that participates in SARA to operate distance learning programs in Connecticut that follow the agreement's uniform standards.

The act also makes a technical change.

EFFECTIVE DATE: January 1, 2020

APPLICATION AND AUTHORIZATION PROCESS

The act requires an out-of-state institution that does not participate in SARA and seeks to operate a distance learning program in Connecticut to (1) apply to OHE on a form the office prescribes and (2) agree to standards OHE establishes that are similar to the SARA standards. OHE must approve or reject the application in accordance with these standards. Once approved, the OHE authorization is valid for one year and may be annually renewed.

The act requires OHE to establish a fee schedule for applications and renewals for such institutions, which must be graduated based on the number of full-time equivalent students enrolled at each out-of-state higher education institution.

BACKGROUND

State Authorization Reciprocity Agreement (SARA)

SARA allows institutions in member states that offer interstate distance learning programs to enroll students under uniform standards without state licensure. SARA participation is open to member states' non-profit and for-profit degree-

granting postsecondary institutions accredited by a U.S. Department of Education-recognized agency. States participating in SARA commit to resolving complaints from distance learning programs offered by their institutions. Currently, California is the only state that does not participate in SARA.

OHE is the state agency that administers SARA in Connecticut and is responsible for reviewing institutional applications for SARA participation and resolving out-of-state students' complaints against Connecticut SARA institutions.

PA 19-198—HB 5001 (VETOED)

Higher Education and Employment Advancement Committee

AN ACT REQUIRING A STUDY OF WORKFORCE TRAINING NEEDS IN THE STATE

SUMMARY: This act would have made several changes to the Workforce Training Authority (WTA), including changing its board membership, making public-private entities eligible for authority-awarded grants, and expanding the industry sectors eligible for training assistance. The act would have specified that the authority is within the Department of Labor (DOL) and its purpose is to oversee the grant assistance it provides to eligible recipients.

The act also would have repealed the state regulation that governs how the minimum wage tip credit can be applied to restaurant service employees who spend some, but not all, of their shift doing work for which tips or gratuities are typically received. It would have required the labor commissioner to post a notice of intent to adopt regulations concerning the tip credit and to (1) consult with the restaurant industry and (2) include recent U.S. Department of Labor guidance on the subject.

In addition, the act would have required DOL to study programs offered to people seeking employment in the state and submit the study to the Labor and Public Employees Committee by January 1, 2020.

It also would have made other minor, technical, and conforming changes.

EFFECTIVE DATE: Various, as noted below.

§§ 1-3 — WORKFORCE TRAINING AUTHORITY (WTA) REORGANIZATION

WTA Board Changes (§§ 2 & 3)

The act would have terminated the existing 16-member WTA board on September 30, 2019, and established a new 21-member board on October 1, 2019, with the new appointments to be made by that date. The new board would have retained as members the labor, economic and community development, and corrections commissioners, or their designees. The act would have added the agriculture commissioner and the Technical Education and Career System superintendent, or their respective designees, to the board. Under the act, the presidents of the Connecticut State Colleges and Universities and UConn, or their respective designees, would have no longer served on the board.

By law, the board's gubernatorial appointments have no qualification requirements and its legislative appointments must have skill, knowledge, or experience in industries and sciences related to insurance, financial services, bioscience, or advanced manufacturing, among others. The act would have instead created specific qualifications for each appointed member, as shown in the table below.

WTA-Appointed Board Member Qualifications Under the Act

Appointing Authority	Number of Appointments	Member Qualifications
Governor	Four	A community college representative A state university representative A UConn representative An independent colleges representative
Senate President	Two	A formerly incarcerated individual or someone who helps formerly incarcerated individuals find employment A Connecticut AFL-CIO representative

WTA-Appointed Board Member Qualifications Under the Act (continued)

Appointing Authority	Number of Appointments	Member Qualifications
Senate Majority Leader	Two	A workforce investment board representative A Connecticut State Building and Construction Trades Council representative
House Speaker	Two	A UConn Health Center representative A Connecticut affiliate of the National Urban League or the National Association for the Advancement of Colored People representative
House Majority Leader	Two	A Connecticut Center for Advanced Technology representative A representative of a Connecticut chamber of the United States Hispanic Chamber of Commerce
Senate Minority Leader	Two	An individual who has skill, knowledge, or expertise in the financial services industry’s workforce needs A Connecticut Business and Industry Association Manufacturers Advisory Council representative
House Minority Leader	Two	A Connecticut Association of Public School Superintendents representative An individual who has skill, knowledge, and expertise in the digital media industry’s workforce needs

By law, the labor commissioner serves as board chairperson. The act would have required him to call the board’s first meeting by December 1, 2019.

WTA Function and Grant Assistance (§§ 1 & 3)

By law, the Workforce Training Authority Fund provides training grants to eligible recipients (i.e., business entities) to target job growth in areas such as insurance, financial services, biosciences, advanced manufacturing, digital media, green technology, and tourism. The act would have added construction, healthcare, and early childhood education to the list of targeted job growth areas. It also would have redefined an “eligible recipient” as a public or private entity seeking to develop a workforce training program, either to grow an existing business or, in the case of a public entity, as part of partnership with business entities that have committed to hire successful trainees from an authority-funded workforce training program.

The act also would have expanded the list of training programs and career pathways that the WTA board must consider developing to include women, minorities, and individuals soon to be released from incarceration (the board already must consider programs and pathways for formerly incarcerated individuals).

By law, the WTA must establish an application and approval process with guidelines for assistance which must include a requirement that applicants obtain matching funds. The act would have removed the requirement for matching funds and instead required applicants to provide an unspecified level of funding or in-kind services.

Annual Report to the Legislature (§3)

By law, the administrator (i.e., DOL) must provide an annual report to the WTA board for approval and then submit it to the Labor and Public Employees, Commerce, and Higher Education and Employment Advancement committees. The act would have required the report to (1) be about the WTA’s expenditures, rather than its activities, and (2) include information on the status and progress of WTA-funded programs.

The act would have designated the labor commissioner, rather than the department, as the authority’s administrator.
EFFECTIVE DATE: October 1, 2019

§ 4 — WORKFORCE TRAINING PROGRAM STUDY

The act would have required DOL, in collaboration with the regional workforce development boards (RWDBs), to conduct a study of programs offered to individuals seeking employment in the state. It would have required DOL to (1) begin the study by October 1, 2019, and (2) submit its findings to the Labor and Public Employees Committee by January 1, 2020.

The study would have included the following topics:

1. the location, ownership, and management of RWDB offices within the state;
2. the number of employees dedicated to assisting individuals seeking employment in each of DOL's American Job Center offices (formerly known as Connecticut Works One-Stop Career Centers);
3. the number of individuals seeking employment who are served through each job center office and by which program on an annual basis;
4. the number of employers, classified by industry, that use RWDBs throughout the state;
5. the number of individuals who (a) find employment through the job centers and the nature of that employment, classified by industry, and (b) found, but then lost, employment and re-enrolled in a job center program;
6. the type of training programs;
7. whether activities offered by individual RWDBs are planned in conjunction with DOL to maximize efficiency and avoid duplication of resources;
8. the funding sources for each RWDB and any in-kind state contributions (e.g., office space and equipment);
9. whether an individual seeking employment can simultaneously participate in a DOL employment program and an RWDB program;
10. the methods by which DOL and the RWDBs coordinate employment programs in each region; and
11. the methods by which the RWDBs report to DOL and whether the resources DOL currently allocates to the boards are adequate to operate the boards' programs.

EFFECTIVE DATE: July 1, 2019

§§ 5-7 — REVISED TIP CREDIT REGULATION

By law, employers of hotel and restaurant staff and bartenders who customarily receive tips may use a "tip credit," which allows them to pay these employees a certain percentage less than minimum wage as long as their tips make up the difference.

Repealing State Regulation (§ 7)

The act would have repealed Conn. Agencies Reg. § 31-62-E4, which prohibits employers from applying the tip credit to restaurant employees who perform both service (e.g., serving food to patrons at tables) and non-service duties unless the time spent on each type of duty is segregated and recorded. Under the regulation, the tip credit can only be applied to the time the person spends performing service duties if the time is recorded as such. Thus, if a worker spends one hour of an eight-hour shift washing dishes or setting tables, then the tip credit cannot be applied to that hour when he or she is not serving tables.

EFFECTIVE DATE: Upon passage and applicable to actions pending on, or filed on or after, the effective date.

Notice of Intent to Adopt Regulations (§ 5)

The act would have required the labor commissioner, by December 31, 2019, to post a notice of intent to adopt regulations concerning the tip credit. The act also would have required the commissioner to (1) consult with restaurant industry representatives before posting the notice, (2) consider the federal Fair Labor Standards Act (29 U.S.C. § 203), and (3) include (presumably in the new proposed regulations) recent guidance by the U.S. Department of Labor's Wage and Hour Division Field Assistance Bulletin No. 2019-2 (February 15, 2019).

The new federal bulletin generally states that the U.S. Department of Labor will allow an employer to take a tip credit for any duties that an employee performs, regardless of whether the duties are tip-producing, as long as the duties are performed either (1) at the same time as the tip-producing activities or (2) for a reasonable time immediately before or after the tip-producing activities.

EFFECTIVE DATE: Upon passage

Updating the Compilation of Regulations (§ 6)

The act would have required the secretary of the state, by October 1, 2019, to update the official compilation of the Connecticut state regulations posted on the eRegulations System to comply with the provisions of the Uniform Administrative Procedure Act and the regulation's repeal.

EFFECTIVE DATE: Upon passage

PA 19-51—sHB 7229

Housing Committee

AN ACT CONCERNING FIRE SPRINKLER SYSTEMS IN RENTAL UNITS

SUMMARY: Under prior law, each time landlords rented a dwelling unit, the lease had to include a notice disclosing whether the unit had a working fire sprinkler system. If a unit had a working system, the lease also had to include a notice with the date of the system’s last maintenance and inspection.

This act narrows the notice requirement by requiring landlords to provide the notices only when renting a dwelling unit in a building required to be equipped with a fire sprinkler system by the State Fire Safety Code, State Fire Prevention Code, or any other statute or regulation, including the law on fire extinguishing systems (see **BACKGROUND**). Under the act, the notice must disclose whether the building, rather than the dwelling unit, has a working fire sprinkler system. Similarly, if the building has a working system, the lease must include a notice with the date of its last maintenance and inspection.

By law, unchanged by the act, both notices must be printed in at least a 12-point, boldface type with a uniform font. A “fire sprinkler system” is a system of piping and related equipment designed and installed according to generally accepted standards so that heat from a fire automatically causes water to discharge over the area, extinguishing the fire or preventing it from spreading.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Fire Extinguishing Systems

By law, certain buildings must have a state fire marshal-approved automatic fire extinguishing system on each floor. These buildings include, among others, those with (1) more than four floors and built for human occupancy or (2) more than 12 living units and occupied primarily by elderly individuals (CGS § 29-315).

PA 19-168—sHB 7225

Housing Committee

AN ACT CONCERNING PUBLIC HOUSING

SUMMARY: This act allows municipalities to require project-based housing providers (PBHPs) to file their residential addresses with the municipality. PBHPs are property owners who contract with the U.S. Department of Housing and Urban Development to rent housing to low income tenants under the federal Housing Choice Voucher Program. Under prior law, municipalities could only require nonresident rental property owners (i.e., landlords) or their agents to file such information. The act also requires PBHPs in municipalities with such a filing requirement to identify certain entities that exercise control over the PBHP.

By law, violations of the filing requirements are infractions, and municipalities may establish a civil penalty for them by ordinance. The act increases the maximum penalty a municipality can impose for a first violation from \$250 to \$500. As under existing law, subsequent violations are subject to a maximum penalty of \$1,000.

EFFECTIVE DATE: October 1, 2019

PBHP REGISTRY

Under the act, municipalities may require PBHPs to file their current residential addresses with the municipality’s tax assessor or other municipally designated office. If the PBHP’s owner is a business entity, such as a corporation, partnership, or trust, the owner may instead file the residential address of the agent in charge (i.e., the individual who collects rents or supervises the property). Existing law authorizes municipalities to require nonresident landlords to do the same.

Under the act, PBHPs must additionally identify the individuals and entities that exercise day-to-day financial or operational control of the property (i.e., controlling participants) and provide a current residential address for each. If a PBHP’s controlling participant is a business entity, the PBHP must instead provide such information for a natural person

who has financial or operational control over the business. Residential addresses must include a full street address and cannot be a mailing or post office box address.

As is the case under existing law for nonresident landlords, when the state or municipality serves orders to a PBHP or its agent at the address on file concerning (1) rental property maintenance or (2) compliance with state law and local codes, that action is sufficient proof of service in any subsequent criminal or civil action against the PBHP or agent for failure to comply with the orders.

Similarly, if the PBHP or its agent fails to file a residential address or update it within 21 days of moving, the address to which the municipal tax assessor mails the property tax bills for the property is deemed to be the current residential address.

PA 19-48—sHB 7165

Human Services Committee

AN ACT CONCERNING MEDICAID COVERAGE FOR DONOR BREAST MILK

SUMMARY: This act requires the Department of Social Services (DSS) commissioner, to the extent permissible under federal law, to provide Medicaid coverage for medically necessary pasteurized donor breast milk. Under the act, the purchase of donor breast milk is eligible for Medicaid reimbursement if a licensed physician, physician’s assistant, or advanced practice registered nurse signs an order stating that donor milk is medically necessary for an infant Medicaid beneficiary (1) who medically or physically cannot receive maternal breast milk or participate in breastfeeding or (2) whose mother medically or physically cannot produce milk in sufficient quantities.

The act requires DSS to seek federal approval of a Medicaid state plan amendment or waiver if necessary to provide such coverage and obtain legislative approval before doing so in accordance with existing law’s requirements. The act also requires DSS to adopt or amend regulations that include provisions establishing (1) birth weight and health conditions that qualify an infant for medically necessary donor breast milk and (2) time limits for Medicaid coverage of donor breast milk. The act allows DSS to adopt policies or procedures to implement the act’s provisions while in the process of adopting regulations, as long as the department posts them on its website and in the eRegulations system.

EFFECTIVE DATE: July 1, 2019

PA 19-49—sHB 7168

Human Services Committee

Education Committee

AN ACT CONCERNING TRANSITIONAL SERVICES FOR CHILDREN WITH AUTISM SPECTRUM DISORDER

SUMMARY: This act requires the first individualized education program (IEP) for a child who is at least 14 years old and diagnosed with autism spectrum disorder to include (1) appropriate measureable postsecondary goals and (2) transition services (see BACKGROUND), including courses of study, needed to assist a child in reaching those goals. Under the act, postsecondary goals are based on age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. Federal regulations impose these requirements beginning with the first IEP in effect when a child with a disability turns 16, or earlier if determined appropriate (34 C.F.R. § 300.320(b)). In practice, the Department of Rehabilitation Services (DORS) provides certain transition services for students with disabilities ages 16 and over. The act explicitly does not require DORS to begin providing such services at age 14. (PA 19-157 renames DORS as the “Department of Aging and Disability Services.”)

The act requires the planning and placement team to update the child’s IEP annually with regard to the act’s requirements. Generally, a planning and placement team is a group consisting of a student’s parents, teachers, and educational specialists who meet to develop and periodically review the student’s IEP, which lists special education services to which the student is entitled.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Transition Services

The federal Individuals with Disabilities Education Act (IDEA, 20 U.S.C. 1400 et seq.) governs special education programs and procedures in states and local school districts, requiring the provision of appropriate educational services to children with disabilities. Connecticut law and regulations must comply with IDEA.

Under IDEA, “transition services” means a coordinated set of activities for a child with a disability that:

1. is within a results-oriented process;
2. is focused on improving a child’s academic and functional achievement to move from school to post-school activities (e.g., postsecondary or vocational education, integrated employment, adult services, and community participation);
3. is based on the individual child’s needs, accounting for strengths, preferences, and interests; and

4. includes instruction, related services, community experiences, development of employment and post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation (20 U.S.C. § 1401(34)).

PA 19-76—sSB 1052

Human Services Committee

AN ACT EXPANDING MEDICAID COVERAGE OF TELEHEALTH SERVICES

SUMMARY: Prior law required the Department of Social Services (DSS) to provide telehealth coverage (see BACKGROUND), within available state and federal resources, for categories of health care services that the commissioner determined were (1) clinically appropriate, (2) cost effective, and (3) likely to expand access to medically necessary services. This act removes the availability of state and federal resources as a condition for providing such telehealth coverage. It also specifies that, when determining if providing telehealth coverage would likely expand access to medically necessary services, the commissioner must also determine where there is a need for those services to be provided by telehealth.

Under the act, the DSS commissioner may provide coverage of telehealth services regardless of any state regulations that would otherwise prohibit it. DSS may also implement policies and procedures to carry out the act's provisions while adopting them in regulations, provided it posts the policies and procedures on the state eRegulations system before adopting them.

The act requires the commissioner to submit a report to the Human Services and Public Health committees by August 1, 2020, on 1) the health care categories using telehealth services, 2) the cities or regions where the services are being offered, and 3) any related cost savings realized by the state.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Telehealth

Generally, telehealth (also commonly referred to as “telemedicine”) is a method for delivering health care services in which a health care provider uses telecommunication technology to provide health care services to a patient at a different geographic location. The law defines “telehealth” more precisely as delivering health care services through information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s physical and mental health. Telehealth does not include the use of fax, audio-only telephone, texting, or e-mail (CGS 19a-906).

PA 19-78—sSB 1080

Human Services Committee

AN ACT CONCERNING A TWO-GENERATIONAL INITIATIVE

SUMMARY: This act makes several changes to the two-generational initiative to advance family economic self-sufficiency. Most notably, it replaces the initiative’s previous advisory council with a board of similar composition. It also makes minor changes to the members’ duties and the initiative’s objectives and purpose.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

ADVISORY BOARD

The act changes the initiative’s advisory council under prior law to an advisory board but retains most of its membership. It charges the board with (1) advising the state, legislature, and the Office of Policy and Management (OPM) Secretary and (2) partnering with available philanthropic organizations to provide support, technical assistance,

guidance, and best practices to the initiative's participating communities. Whereas under prior law the commissioners of Correction, Early Childhood, Education, Housing, Labor, Public Health, Social Services, and Transportation, or their designees, served on the council, they do not serve on the board. The act requires the Commission on Women, Children, and Seniors (CWCS) to select parent or family leaders representing low income households to constitute one quarter of the board's membership (compared to one council member under prior law). (PA 19-117 §§ 105-143 & 398 merges CWCS and the Commission on Equity and Opportunity into a new entity, the Commission on Women, Children, Seniors, Equity and Opportunity.) The act also adds to the board's membership one governor's appointee and other business and academic professionals, selected by the co-chairpersons as needed.

The act requires, by July 1, 2020, the attorney general's office to develop a uniform interagency data-sharing protocol to remove legal barriers to promote cross-agency and cross-sector collaboration under the act to the fullest extent permitted under state and federal laws. The office must consult with the advisory board, OPM secretary, Chief Data Officer, and the Connecticut Preschool through Twenty and Workforce Information Network (P20 WIN). (Prior law required the advisory council to consult with similar stakeholders to develop a uniform approach to facilitate data sharing among the initiative's partner agencies in accordance with state and federal laws by September 1, 2018.)

The act allows, within available appropriations, parent and family participants to be compensated for time and travel related to board meetings and initiative activities related to asset building, leadership, and community engagement. (It is unclear who is responsible for the compensation.)

INTERAGENCY PLAN

The act requires the OPM secretary, in collaboration with the advisory board, to develop an interagency plan to coordinate and align service delivery to assist families to overcome barriers to economic success. The plan must include:

1. development of an infrastructure to promote data sharing within and between state agencies to the extent permissible under federal and state law,
2. coordination and leverage of existing resources to assist families to overcome common barriers to economic success,
3. consideration of innovative approaches based on parental and community input to increase the initiative's impact, and
4. shared indicators and goals for interagency collaboration to achieve quantifiable and verifiable systems change to disrupt cycles of intergenerational poverty and advance family economic self-sufficiency and racial and socio-economic equity.

For the latter, such indicators and goals may include (1) improvements to service and resource coordination and delivery across one or more programs for early learning, adult education, child care, housing, job training, transportation, financial literacy, and health and mental health services and (2) efforts to sufficiently support pathways to family-sustaining workforce opportunities. The secretary must begin to implement the plan by January 1, 2020.

DUTIES, OBJECTIVES, AND PURPOSE

Under prior law, the statewide initiative's objective was to foster family economic self-sufficiency in low-income households through a comprehensive two-generational service delivery approach. The act instead makes it the initiative's objective to disrupt poverty cycles and advance family economic self-sufficiency. It directs the initiative to achieve these goals by collaborating across public and private sectors, rather than promoting systemic change to create conditions across local and state public and private sector agencies and the private sector, as required under prior law.

The act also makes numerous modifications to the areas the initiative may review and consider. Among other things, it (1) narrows the focus of such review and consideration to attaining family and economic mobility and success and (2) eliminates the development of a long-term plan to optimize program service delivery statewide.

The act requires implementation in partnership with parent and family leaders to determine the priorities and challenges of such households, whereas prior law requires the initiative to be informed by members of low-income households within its participating communities.

It also expands the Office of Early Childhood's role as the initiative's coordinating agency for the executive branch to statewide coordinator for the initiative. It retains existing law's requirement that CWCS serve as administrative staff to the initiative's learning communities; however, the act no longer requires the staff to provide organizational support to such communities.

REPORTING REQUIREMENT

Starting December 31, 2020, the act requires the board, in consultation with the OPM secretary, to annually report to the Appropriations, Children, Education, Housing, Human Services, Labor, Public Health, and Transportation committees. The report must include:

1. shared indicators and goals for interagency collaboration;
2. improvements in service coordination and streamlined resources;
3. methods of improved family engagement to assure continuous feedback from family leaders regarding priorities and challenges of low-income households; and
4. recommendations to (a) improve systems, policy, culture, program, budget, or communications issues among agencies and service providers on the local and state levels to achieve two-generational success; (b) eliminate barriers to two-generational success; and (c) improve data sharing within and between agencies to inform systems and policy direction to achieve family economic success.

PA 19-127—sSB 945

Human Services Committee

AN ACT CONCERNING THE INNOVATION INCENTIVE PROGRAM FOR NONPROFIT PROVIDERS OF HUMAN SERVICES

SUMMARY: This act requires the Office of Policy and Management (OPM) secretary to establish a pilot program to provide incentives to qualifying nonprofit human service providers that realize savings in the state-contracted services they deliver. Under the act, the pilot program must (1) allow participating providers to keep a portion of any savings they realize from the contracted service cost as long as they meet their contractual requirements and (2) prohibit future state contracts for the same type of service from being reduced solely on savings achieved under the pilot. Prior law authorized the OPM secretary to establish a program with similar features, but one had not been implemented.

Under prior law, eligible providers must (1) have state contracts of \$1 million or less and (2) provide direct services to up to 150 people enrolled in state-funded assistance programs in specific geographic regions of the state. The act removes these criteria and instead limits eligibility to eight nonprofit human service providers with state contracts in the following amounts (two from each tier): (1) \$50 million or more, (2) at least \$20 million but less than \$50 million, (3) at least \$5 million but less than \$20 million, and (4) less than \$5 million.

EFFECTIVE DATE: July 1, 2019

PA 19-149—sHB 7122

Human Services Committee

Appropriations Committee

AN ACT CONCERNING MOBILE DENTAL CLINICS

SUMMARY: This act authorizes the Department of Social Services (DSS) to reimburse a mobile dental clinic for dental services provided to Medicaid beneficiaries within 30 miles of the associated dentist's fixed location. The act extends the reimbursable service area to a 50-mile radius for mobile dental clinics located in New London, Litchfield, and Windham counties.

The act requires the DSS commissioner to adopt regulations to implement the reimbursement. It also authorizes her to implement policies and procedures about mobile dental clinics while in the process of adopting them in regulations, provided she posts the policies and procedures on the state eRegulations system before implementing them.

EFFECTIVE DATE: Upon passage

DEFINITIONS

The act defines a "mobile dental clinic" as preventative or restorative dental services offered by a licensed dentist or dental hygienist from a van or through the use of portable equipment at various locations.

It also defines a "fixed location" as the permanent office of an associated licensed dentist who contracts with a mobile dental clinic and:

1. is an enrolled Medicaid provider;
2. maintains the diagnostic imaging, tests, and charts of patients the mobile dental clinic treats;
3. accepts and treats patients from the mobile dental clinic; and
4. provides a continuum of dental care.

PA 19-157—sHB 7163

Human Services Committee

AN ACT CONCERNING THE DEPARTMENT ON AGING AND DISABILITY SERVICES AND MEALS ON WHEELS

SUMMARY: This act allows the Department of Social Services (DSS) commissioner, beginning July 1, 2020, to annually increase the reimbursement rate for meals-on-wheels providers under the Connecticut Home Care Program for Elders (see BACKGROUND) by at least the consumer price index's cost of living adjustment. It also allows the commissioner to increase a provider's rate if the provider submits evidence of extraordinary costs related to delivering meals-on-wheels in sparsely populated rural areas of the state.

By law, the Department of Rehabilitation Services (DORS) must (1) review, in consultation with the five area agencies on aging (AAAs), its method for allocating federal Older Americans Act funds to the AAAs for supportive services and elderly nutrition and (2) report any findings and recommendations from its review to the Appropriations and Human Services committees. The act requires (1) DORS to include service level and cost data in its report and (2) elderly nutrition program providers to annually provide DORS with this data.

The act also requires the Department of Public Health (DPH), as part of its quality of care program for licensed health care facilities (e.g., hospitals and nursing homes), to develop recommendations on collecting and analyzing data on patient malnutrition to improve quality of care. By law, the program must develop a standardized data set to measure health care facilities' clinical performance and require such data to be periodically collected and reported to DPH.

Additionally, the act renames DORS the Department of Aging and Disability Services and adds the new agency title to the statutory list of executive branch agencies. It makes numerous conforming changes throughout the statutes.

Lastly, it deletes obsolete provisions, including two references to the Department of Aging. PA 18-169 transferred the functions, powers, duties, and personnel of the former State Department on Aging from DSS to DORS.

EFFECTIVE DATE: October 1, 2019, except provisions on (1) meals-on-wheels provider reimbursement rates; a DORS reporting requirement; and DPH's quality of care program are effective July 1, 2019 and (2) two technical changes are effective July 1, 2020.

BACKGROUND

Connecticut Home Care Program for Elders (CHCPE)

CHCPE is a Medicaid waiver and state-funded program that provides a range of home- and community-based services for eligible individuals age 65 and older who are institutionalized or at risk of institutionalization. To be eligible for CHCPE, individuals must meet income and asset limits.

PA 19-170—sHB 7230

Human Services Committee

AN ACT CONCERNING INTERPRETER STANDARDS

SUMMARY: This act expands the circumstances under which interpreters for individuals who are deaf, hard of hearing, or have related conditions must annually register with the Department of Rehabilitation Services (DORS) and creates exceptions to this requirement under narrow circumstances. (PA 19-157 renames DORS the "Department of Aging and

Disability Services.”) The act also broadens the (1) types of credentials an individual may hold to qualify as a registered interpreter and (2) categories of medical and legal settings that require interpreters to hold additional credentials.

The act requires DORS to (1) maintain a current listing of registered interpreters on its website and (2) annually issue interpreter identification cards listing the types of settings where the cardholder can interpret. It also makes minor changes to the form on which interpreters must register.

Under the act, people who are deaf, deaf-blind, or hard of hearing may exercise their right to request or use a different registered interpreter than the one provided in any setting in accordance with a nationally recognized interpreter code of professional conduct.

Lastly, the act authorizes anyone to report a violation related to interpreter requirements to the nonprofit entity the governor designates as the state’s protection and advocacy system for people with disabilities (i.e., Disability Rights Connecticut, Inc.).

EFFECTIVE DATE: July 1, 2019

DEFINITION OF “INTERPRETING”

Prior law defined “interpreting” as (1) translating or transliterating English concepts to a language concept used by someone who is deaf or hard of hearing or (2) translating the deaf or hard of hearing person’s language concept to English concepts. The “language concepts” included, but were not limited to, American Sign Language, English-based sign language, cued speech, oral transliterating, and tactually received information.

The act expands the definition to explicitly include translating or transliterating for and by someone who is deaf-blind, and it limits the language concepts to those listed above. Under the act, “deaf-blind” means combined vision and hearing impairments that challenge a person’s ability to communicate, interact with others, access information, and move about safely.

As under existing law, transliterating is a form of interpreting. The act specifies that “transliterating” means converting or rendering English concepts to a language concept used by someone who is deaf, deaf-blind, or hard of hearing or translating such language concepts back to English. Existing law (1) generally subjects transliterators to the same requirements as other interpreters and (2) establishes credentials specifically for situations requiring only a cued speech transliterator.

INTERPRETER CREDENTIALS

Under existing law, individuals qualify to become a registered interpreter with DORS by holding one of several allowable credentials. For example, they may hold a certification from the National Registry of Interpreters for the Deaf, or they may hold a level four or higher certification from the National Association of the Deaf.

The act expands the list of allowable credentials to include the following credentials from the Massachusetts Commission on the Deaf and Hard of Hearing: (1) Approved Deaf Interpreter, (2) Approved American Sign Language-English Interpreter, and (3) Approved Sign Language Transliterator.

REGISTRATION FORM

The act makes minor changes to the form DORS prescribes for interpreter registration. By law, the form must include the registrant’s name, address, phone number, place of employment as an interpreter, and interpreter certification or credentials. The act specifies that the address on the form may be the registrant’s home or business address, or both, and that the form may require additional contact information.

The act also allows DORS to require documentation of the registrant’s training hours.

INDIVIDUALS REQUIRED TO REGISTER

By law, anyone receiving compensation for providing interpreting services or providing the services as part of his or her job duties must be registered with DORS.

The act additionally requires someone to register with DORS as a qualified interpreter in order to:

1. interpret or offer to interpret for another person, agency, or entity;
2. use the title “interpreter,” “transliterator,” or a similar title in advertisements or communications or in connection with services provided under his or her name;
3. present or identify himself or herself as an interpreter qualified to interpret in the state; or
4. perform the function of, or convey the impression that he or she is, an interpreter or transliterator.

EXEMPTIONS FROM REGISTRATION REQUIREMENTS

The act exempts from the registration requirements individuals interpreting:

1. at the request of a deaf, deaf-blind, or hard of hearing person (e.g., friends or family);
2. at a worship service conducted by a religious entity;
3. at services for educational purposes conducted by a religious entity or religiously affiliated school;
4. during an emergency situation, if obtaining a registered interpreter or transliterator could cause a delay that may lead to injury or loss to the individual requiring services, provided the emergency assistance does not waive any communication access requirements under the federal Americans with Disabilities Act or the federal Rehabilitation Act of 1973;
5. in Connecticut for no more than 14 days during a calendar year, if they are certified by a recognized (a) national professional certifying body (e.g., National Registry of Interpreters for the Deaf or National Association of the Deaf) or (b) state professional certifying body from another state; and
6. as part of a supervised internship or practicum at an accredited college or university or a DORS-approved mentorship if (a) the interpreting is not in a legal, medical, or educational setting or (b) the individual is accompanied by a DORS-registered interpreter.

Under the act, an “educational setting” is anywhere interpretive services are provided for education-related matters, including schools; school-based programs, services, and activities; and other educational programs.

CREDENTIALS FOR MEDICAL AND LEGAL SETTINGS

Existing law establishes additional credential requirements for interpreting in medical or legal settings. The act generally broadens when these requirements apply.

Medical Settings

Existing law defines “medical settings” as medical-related situations, including mental health treatment; psychological evaluations; substance abuse treatment; crisis intervention; and appointments or treatment requiring a doctor, nurse, or other health care professional. The act adds gatherings or gathering places where health and wellness issues are addressed, including hospitals, clinics, and assisted living and rehabilitation facilities.

Legal Settings

Under existing law, a “legal setting” is any (1) criminal or civil action involving a court of competent jurisdiction, (2) investigation conducted by a duly authorized law enforcement agency, (3) employment-related hearing, or (4) appointment requiring an attorney. The act additionally includes (1) other situations, not just appointments, requiring an attorney and (2) actions, not just investigations, conducted by a duly authorized law enforcement agency.

PA 19-73—sSB 978

*Insurance and Real Estate Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING TEACHERS' RETIREMENT SYSTEM CONTRIBUTIONS

SUMMARY: Beginning January 1, 2020, this act exempts state employees from paying a mandatory contribution of 1.25% of their salary toward Teachers' Retirement System (TRS) retiree health insurance if they (1) do not participate in any group health insurance plans for retired teachers and (2) have vested retiree health benefits through the State Employee Retirement System (SERS).

Under prior law, TRS members receiving benefits through SERS retiree health insurance were required to contribute toward TRS health benefits.

The act specifies that it does not affect a state employee's obligation to contribute to the state's retiree health care trust fund.

EFFECTIVE DATE: October 1, 2019

PA 19-88—SB 320

*Insurance and Real Estate Committee
Judiciary Committee*

AN ACT CONCERNING REAL ESTATE CLOSINGS

SUMMARY: This act requires anyone conducting a real estate closing to be a Connecticut-admitted attorney in good standing (i.e., the attorney cannot be disqualified from practicing law due to resignation, disbarment, inactive status, or suspension).

Under the act, a "real estate closing" is a closing for the following:

1. a mortgage loan, excluding a home equity line of credit or other loan that is secured by real property in the state but does not require the issuance of a lender's or mortgagee's title insurance policy, or
2. any transaction where consideration is paid to change ownership of real property.

The act makes violating this provision an unauthorized practice of law. Under existing law, the unauthorized practice of law is generally a class D felony or, if the person is admitted in another jurisdiction, a class C misdemeanor (see [Table on Penalties](#)). Under the Connecticut Practice Book, giving advice to or representing someone, including drafting legal documents, in a real estate transaction constitutes the practice of law (Connecticut Practice Book §§ 2-44(a)(3) & (5)).

EFFECTIVE DATE: October 1, 2019

PA 19-125—sSB 906

Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S RECOMMENDED CHANGES TO THE INSURANCE STATUTES, INSURANCE PLANS PROCURED BY THE COMPTROLLER AND RETIREMENT PLANS

SUMMARY: This act makes various changes to the insurance statutes, as described in the section-by-section analysis below. Among other things, it (1) allows the insurance commissioner to engage the services of insurance professionals to review certain form and rate filings, (2) opts Connecticut into the Interstate Insurance Product Regulation Compact for disability income products, and (3) allows certain insurance documents to be sent electronically with an insured's consent.

The act also changes the date dependent coverage terminates under benefit plans procured by the comptroller for the benefit of surviving spouses and dependent children of certain first responders who die in the line of duty. Under the act, a dependent child's coverage under such a plan terminates the earlier of the end of the calendar year, rather than the end of the policy year, in which the child turns age 26 or obtains insurance through his or her own employment.

Additionally, the act (1) amends the information that companies administering certain 403(b) retirement plans for political subdivisions of the state must disclose to plan participants and (2) requires the companies to provide the same

information to the state comptroller, who must annually post the disclosures online.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various, as shown below.

§ 1 — HIRING CONSULTANTS TO REVIEW RATE AND FORM FILINGS

The act authorizes the insurance commissioner to engage the services of consultants (i.e., third-party actuaries, professionals, and specialists) he deems necessary to review rate, form, or similar filings submitted to the Insurance Department pursuant to state law. It requires the entity submitting the filing (e.g., insurer or HMO) to pay for the consultant's services.

By law, the commissioner has authority to hire consultants to review insurer license applications and other transactions as necessary and perform examinations and financial analyses of insurers (CGS §§ 38a-8(d), 38a-14(c), & 38a-14a(b)).

EFFECTIVE DATE: July 1, 2019

§ 2 — INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

The act opts Connecticut into the Interstate Insurance Product Regulation Compact for disability income insurance products. Connecticut is already a member of the compact for life insurance and annuity products (CGS § 38a-37).

Under the compact, member states develop national product standards and establish a centralized filing process for insurers offering the products. The Interstate Insurance Product Regulation Commission, which the compact created, collects filing fees from insurers and remits to the member states their portion of the fees. Additionally, a member state retains its authority to perform market conduct examinations of insurers and respond to consumer complaints, including those relating to commission-approved products.

EFFECTIVE DATE: Upon passage

§ 3 — MUTUAL INSURER REORGANIZATION VOTE

The act requires a domestic mutual insurer that wishes to reorganize as a domestic stock insurer owned, directly or indirectly, by a mutual holding company to have an affirmative vote on the reorganization plan by two-thirds of its voting members, instead of two-thirds of all members, as under prior law.

EFFECTIVE DATE: Upon passage

§§ 4-6, 14 & 16 — ELECTRONIC NOTIFICATIONS FOR CERTAIN INSURANCE PRODUCTS

Under PA 18-158, certain insurance notices may be sent electronically, with the insured's consent, effective October 1, 2019. This act instead allows such electronic notices effective July 1, 2019.

Thus, beginning July 1, 2019, this act allows the following insurance documentation to be sent electronically if the insured consents:

1. property and casualty insurers' nonrenewal, third-party designation, or cancellation notices;
2. professional liability insurers' rate increase request notices to physicians, surgeons, hospitals, advanced practice registered nurses, or physician assistants; and
3. an insured's contract cancellation with a public adjuster.

This act also allows an insurer to send commercial risk insurance cancellation notices electronically, evidenced by a delivery receipt, if the named insured consents.

EFFECTIVE DATE: July 1, 2019, and upon passage for the changes to PA 18-158.

§ 7 — UPDATES TO LICENSEE INFORMATION

By law, certain licensees must notify the insurance commissioner in writing within 30 days after certain business information changes (e.g., address, name, or employer) from what was shown in their license application. The act adds to the information that licensees must update to include a change in (1) email address and (2) the licensed insurance producer responsible for ensuring compliance with state laws and regulations. It also removes a requirement that the licensee notify the commissioner of any changes to a corporation's officers or the members of a firm, partnership, or association.

The act applies to the following types of licensees: insurance producers, public adjusters, casualty claim adjusters,

motor vehicle physical damage appraisers, surplus lines brokers, and certified insurance consultants.

EFFECTIVE DATE: October 1, 2019

§§ 8 & 15 — HMO INSOLVENCY DEPOSIT REQUIREMENTS REPEALED

The act repeals requirements that an HMO (1) have a plan for handling insolvency, (2) deposit \$500,000 with the commissioner or other trustee for the benefit of enrollees when the HMO is in receivership, and (3) deposit 120% of its outstanding liability for uncovered expenditures for enrollees in an account separate from all others.

Under PA 18-13, the Connecticut Life and Health Insurance Guaranty Association Act provides coverage in the event of an HMO's insolvency.

EFFECTIVE DATE: Upon passage

§ 9 — COVERAGE OF DEPENDENT CHILDREN UNDER PLAN PROCURED BY THE COMPTROLLER

The act changes the date dependent coverage terminates under certain benefit plans procured by the comptroller.

By law, the comptroller must arrange and procure one or more group hospitalization, medical, and surgical plans for the surviving spouses and dependent children of state or local police officers, full-time paid municipal firefighters, or constables who performed criminal law enforcement duties and died from injuries incurred in the course of their employment. The surviving spouse and children are not eligible if they are eligible for another group health insurance plan.

Under the act, a dependent child's coverage under such a plan terminates the earlier of the end of the calendar year, rather than the end of the policy year, in which the child turns age 26 or obtains insurance through his or her own employment.

EFFECTIVE DATE: Upon passage

§§ 10-12 — EXEMPTING ACCIDENT-ONLY INSURANCE POLICIES FROM CERTAIN HEALTH INSURANCE REQUIREMENTS

The act exempts accident-only insurance policies from the requirement to provide the following health insurance benefits:

1. direct access to in-network obstetrician-gynecologists by female enrollees,
2. coverage for preventive pediatric care at specified age intervals, and
3. coverage for blood lead screening and risk assessments.

Accident-only policies are not major medical policies. Rather, they cover expenses related to an accidental injury.

EFFECTIVE DATE: January 1, 2020

§ 13 — RETIREMENT PLANS OFFERED BY POLITICAL SUBDIVISIONS OF THE STATE

Beginning January 1, 2021, the act (1) amends the information that companies administering certain 403(b) retirement plans for political subdivisions of the state must disclose to plan participants and (2) requires the companies to provide the same information to the state comptroller electronically and in a manner he prescribes. The disclosure requirements apply to retirement plans created under Section 403(b) of the Internal Revenue Code that are not made available through the comptroller under state law (see BACKGROUND).

Starting by March 1, 2022, the act requires the comptroller to annually post online each disclosure he received by the previous January 1 for the prior calendar year.

Retirement Plan Disclosures

By law, companies administering these retirement plans must provide to each plan participant the (1) fee ratio and return, after subtracting fees, for each plan investment and (2) fees paid to anyone who, for compensation, provides investment advice to participants. The act also requires companies to provide any other information required by the federal Employee Retirement Income Security Act's (ERISA) retirement plan disclosure requirements for participant-directed individual account plans. This includes, among other things, information about participant rights and responsibilities, fees and expenses, and designated investment alternatives (29 C.F.R. § 2550.404a-5).

Existing law deems a company compliant with the state disclosure requirements if the company adheres to disclosure requirements under ERISA.

Under the act, as under existing law, the companies must provide all required disclosures to plan participants upon initial enrollment and then at least annually.

EFFECTIVE DATE: January 1, 2021

BACKGROUND

403(b) Deferred Compensation Plans

Section 403(b) of the Internal Revenue Code allows certain public school employees and employees of certain other tax-exempt organizations to elect to defer a portion of their current earnings and invest those earnings tax-free until withdrawn, which is usually at retirement. The 403(b) plans are similar to plans the code authorizes for private-sector employees (401(k) plans) and non-educational public employees (457 plans).

PA 19-133—HB 5213

Insurance and Real Estate Committee

AN ACT EXPANDING REQUIRED HEALTH INSURANCE COVERAGE FOR HEARING AIDS

SUMMARY: This act eliminates an age restriction for mandated health insurance coverage for hearing aids, thus requiring certain insurance policies to cover hearing aids for any covered person. In doing so, it codifies the Insurance Department’s Bulletin HC-102, which brought the state hearing aid benefit requirement into compliance with the federal Affordable Care Act (ACA). The ACA generally prohibits age-based discrimination in benefit design. Prior state law required policies to cover hearing aids only for children under age 13.

Under prior law, policies could limit hearing aid coverage to \$1,000 within a 24-month period. The act instead allows policies to limit coverage to one hearing aid per ear within a 24-month period.

EFFECTIVE DATE: January 1, 2020

INSURANCE POLICIES AFFECTED

The act applies to individual or 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 those provided under an HMO plan. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

BACKGROUND

Insurance Department Bulletin HC-102

Bulletin HC-102 (dated June 15, 2015) explains the ACA’s age discrimination prohibition and directs health carriers (e.g., insurers and HMOs) to remove age limits on hearing aid benefits for policies issued or renewed on or after January 1, 2016.

PA 19-134—HB 5521

Insurance and Real Estate Committee

AN ACT EXPANDING REQUIRED HEALTH INSURANCE COVERAGE FOR PREEXISTING CONDITIONS

SUMMARY: This act prohibits short-term health insurance policies issued on a nonrenewable basis for a term of six months or less from containing a preexisting condition provision. Existing law prohibits other individual and group health insurance policies and HMO contracts from imposing a preexisting condition provision, which is a policy provision that generally limits or excludes coverage for health conditions that existed before the coverage effective date.

The act also redefines the term “preexisting condition provision” to apply it to preexisting conditions whether or not

medical advice, diagnosis, care, or treatment was recommended or received before the coverage effective date. Prior law applied such a provision to preexisting conditions for which medical advice, diagnosis, care, or treatment was recommended or received.

Lastly, the act repeals provisions that mandate coverage for breast cancer survivors, which are unnecessary due to its change in the definition of preexisting condition provision.

EFFECTIVE DATE: January 1, 2020

PA 19-155—sHB 6088

Insurance and Real Estate Committee

AN ACT CONCERNING CONTRACTING HEALTH ORGANIZATIONS AND DENTISTS, DENTAL PLANS AND PROCEDURES

SUMMARY: This act extends to dentists the same provider contract requirements and transparency provisions that already apply to other health care providers (e.g., physicians). In doing so, it requires a managed care organization or preferred provider network (i.e., contracting health organization) to give dentists with whom it contracts certain fee information. It prohibits a contracting health organization from making material changes to a dentist's fee schedule except as specified in the act.

The act also requires a contracting health organization to give each contracted dentist Internet, electronic, or digital access to policies and procedures regarding a dentist's (1) payments, (2) contractual duties and requirements, and (3) inquiries and appeals. This includes contact information for the office responsible for responding to inquiries and appeals and a description of appeal rights applicable to dentists, enrollees, and enrollees' dependents.

The act prohibits a contracting health organization, more than 18 months after receiving a dentist's clean (i.e., complete) claim, from canceling, denying, or demanding the return of full or partial payment it made in error for an authorized covered service, except under specified circumstances and subject to certain procedures.

Additionally, the act (1) prohibits a person who issues a policy covering only dental services from materially changing the fee schedule for in-network providers more than once annually and (2) requires at least 90 days' notice of such a change.

The act also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2020

§ 1 — ACCESS TO FEE INFORMATION

The act requires a contracting health organization to establish and implement a procedure to provide each contracted dentist Internet, electronic, or digital access to the organization's fees for the current procedural terminology (CPT), current dental terminology (CDT) (upon request), and Health Care Procedure Coding System codes (1) applicable to the dentist's specialty and (2) that the dentist requests for other services for which he or she actually bills or intends to bill the organization, provided the codes are within the dentist's specialty or subspecialty.

The right to access fees applies only to a dentist whose services are reimbursed using CPT or CDT codes and whose fee information is proprietary and confidential. The organization may penalize the unauthorized distribution of the information, including terminating a dentist's contract.

§ 2 — CHANGES TO FEE SCHEDULES

The act prohibits a contracting health organization from making material changes to a dentist's fee schedule except as specified in the act. An organization may make changes to a fee schedule once a year if it gives the dentist at least 90 days' advance notice by mail, e-mail, or fax. Upon receiving the notice, the dentist may terminate the contract by giving the organization at least 60 days' advance written notice.

The act also allows an organization to make changes to a dentist's fee schedule at any time to address the following, as long as it provides at least 30 days' advance notice by mail, e-mail, or fax:

1. a federal or state requirement (if the requirement takes effect in fewer than 30 days, the organization must give dentists as much notice as possible);
2. changes to the medical data code sets in federal regulations (45 CFR 162.1002);
3. changes to national best practice protocols made by the National Quality Forum or other national accrediting or

standard-setting organization based on (a) peer-reviewed medical literature generally recognized by the relevant medical community or (b) the results of clinical trials generally recognized and accepted by the relevant medical community;

4. changes in Medicare billing or medical management practices, as long as the changes are made to relevant dentist contracts and relate to the same specialty or payment methodology;
5. the federal Food and Drug Administration (FDA), or peer-reviewed medical literature generally recognized by the relevant medical community, identifying a drug, treatment, procedure, or device as no longer safe and effective; or
6. payment or reimbursement for a new drug, treatment, procedure, or device that becomes available and is determined to be safe and effective by FDA or peer-reviewed medical literature generally recognized by the relevant medical community.

The act also allows changes at any time, subject to the above 30-day notice requirement, that are mutually agreed to by the organization and the dentist.

§ 2 — NEW INSURANCE PRODUCTS

The act permits a contracting health organization to introduce a new insurance product to a dentist at any time. The organization must give the dentist at least 60 days' advance notice by mail, e-mail, or fax if the new product makes material changes to the administrative or fee schedule portions of the dentist's contract. The notice must allow the dentist at least 30 days to decide whether to participate in the new product.

§ 2 — PAYMENT CANCELLATION, DENIAL, OR RETURN

The act prohibits a contracting health organization, more than 18 months after receiving a dentist's clean claim, from canceling, denying, or demanding the return of full or partial payment for an authorized covered service due to administrative or eligibility error, unless the:

1. organization (a) has a documented basis to believe that the dentist fraudulently submitted the claim, (b) paid the dentist more than once for the claim, or (c) paid a claim that was or should have been paid by a federal or state program or
2. dentist (a) did not bill the claim appropriately based on documentation or evidence of what service was actually provided or (b) received payment from a different insurer, payor, or administrator through coordination of benefits, subrogation, or coverage under an auto insurance or workers' compensation policy.

The act gives a dentist that received a payment from another source one year after the date of the payment cancellation, denial, or return to resubmit an adjusted claim with the organization on a secondary payor basis, regardless of the organization's timely filing requirements.

Notice and Appeal

The act requires an organization to give a dentist at least 30 days' advance notice of a payment cancellation, denial, or return demand by mail, e-mail, or fax. The organization must include in a notice demanding a return of payment the (1) amount it wants returned, (2) claim to which it relates, and (3) basis for it. The act allows a dentist to appeal, in accordance with the organization's procedures, a payment cancellation, denial, or return demand within 30 days after receiving notice of it. It requires that a payment return demand be stayed (i.e., postponed) during the appeal.

Adjusted Claim

If there is no appeal or an appeal is denied, the act allows a dentist to resubmit an adjusted claim, if applicable, to the organization within 30 days after receiving notice of (1) a payment cancellation or denial or (2) an appeal denial. A claim may not be resubmitted if the organization demanded a return of payment because it paid the claim more than once.

Other Appropriate Insurance Coverage

The act gives a dentist one year after the date of the written notice of a payment cancellation, denial, or return demand to (1) identify any other appropriate insurance coverage applicable on the date of service and (2) file a claim with the insurer, HMO, or other issuing entity, regardless of their timely filing requirements.

§ 3 — FEE SCHEDULE CHANGES FOR DENTAL-ONLY POLICIES

The act prohibits a person who issues a policy covering only inpatient or outpatient dental services from materially changing an in-network provider's fee schedule more than once annually. Any person making a material change to a fee schedule must give each in-network provider at least 90 days' advance notice by mail, e-mail, or fax. The notice must disclose the following information:

1. the percentage effect that the change will have on the provider's fees or
2. another measure that will let the provider understand how the change will affect his or her fees for the 20 covered procedures the provider performs most frequently, and for which the provider sought reimbursement, during the most recent 12 months.

PA 19-158—HB 7178 (VETOED)

Insurance and Real Estate Committee

AN ACT CONCERNING DISCLOSURES BY REAL ESTATE BROKERS AND SALESPERSONS

SUMMARY: Beginning January 1, 2020, this act would have delayed the deadline by which a licensed real estate broker or salesperson acting as an agent for a seller or lessor in a residential real estate transaction must disclose whom he or she represents.

By law, these disclosures must (1) be made to any party that is not represented by another real estate broker or salesperson and (2) attached to any offer or agreement and signed by the prospective purchaser or lessee.

Under existing law, a broker or salesperson acting as an agent in a residential real estate (i.e., one- to four-family residential real property located in the state) transaction must disclose in writing whom he or she represents at the beginning of the first personal meeting about a (1) purchaser's or lessee's specific needs or (2) seller's or lessor's real property. The act would instead have delayed the time by which this disclosure had to be made to before a prospective purchaser or lessee signed the purchase contract or lease, respectively. (This would have mirrored existing law's representation disclosure requirements for commercial transactions.)

Additionally, the act would have removed this disclosure requirement for a broker or salesperson representing a prospective buyer or lessee in a residential or commercial real estate transaction. And it would have allowed, rather than required, the consumer protection commissioner to adopt implementing regulations for residential and commercial representation disclosures.

EFFECTIVE DATE: January 1, 2020

PA 19-159—sHB 7125

Insurance and Real Estate Committee

Appropriations Committee

AN ACT CONCERNING MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS

SUMMARY: This act prohibits certain health insurance policies from:

1. applying nonquantitative treatment limitations (i.e., non-numeric limits on the scope or duration of coverage, such as prior authorization requirements) to mental health and substance use disorder benefits unless the policy applies the limitations comparably to, and not more stringently than, how it applies them to medical and surgical benefits (§§ 2 & 3) and
2. denying coverage for substance abuse services solely because the services were provided under a court order (§§ 4 & 5).

These provisions apply to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2020, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan.

The act also requires health carriers (e.g., insurers) to annually report, starting by March 1, 2021, specified information to the insurance commissioner that demonstrates, among other things, their compliance with state and federal mental health parity laws (§ 1). The act authorizes the insurance commissioner to adopt implementing regulations.

The act allows the Insurance and Real Estate Committee to hold an annual public hearing about these reports. If it does so, the insurance commissioner or his designee must attend.

EFFECTIVE DATE: January 1, 2020, except the reporting provisions (§ 1) are effective October 1, 2019.

MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AND NONQUANTITATIVE TREATMENT LIMITATIONS REPORTING REQUIREMENT

Starting by March 1, 2021, the act requires each health carrier to annually report to the insurance commissioner about mental health and substance use disorder benefits and nonquantitative treatment limitations. The report must be in a form and manner the commissioner prescribes and, for the prior calendar year, describe the health carrier's:

1. process used to develop and select criteria to assess the medical necessity of (a) mental health and substance use disorder benefits and (b) medical and surgical benefits and
2. nonquantitative treatment limitations applied to mental health, substance use disorder, and medical and surgical benefits.

The report must also analyze the process, strategies, evidentiary standards, and other factors that the health carrier used to develop and apply the criteria and limitations described above. (However, the act prohibits the insurance commissioner from disclosing the results in a manner likely to compromise their financial, competitive, or proprietary nature.) This analysis must:

1. disclose (a) each factor the health carrier considered, regardless of whether it was used, in designing and determining whether to apply nonquantitative treatment limitations and (b) all quantitative and qualitative evidentiary standards applied under these factors, or if none was used, a clear description of the factor and
2. provide the comparative analyses that show that the processes and strategies used to design and apply nonquantitative treatment limitations, as written and in operation, to mental health and substance use disorder benefits are comparable to, and applied no more stringently than, those used to design and apply such limitations to medical and surgical benefits.

The analysis must, in the commissioner's opinion, demonstrate that the carrier:

1. applied nonquantitative treatment limitations comparably, and not more stringently, to mental health and substance use disorder benefits and medical and surgical benefits consistent with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act (which generally prohibits insurers from applying more restrictive limitations on mental health and substance use benefits than they apply on medical and surgical benefits);
2. applied nonquantitative treatment limitations equally across mental health, substance use, and medical and surgical benefits; and
3. complied with state mental and nervous conditions coverage, prescription drug coverage, and step therapy laws, and federal mental health parity laws.

Insurance Commissioner Annual Report

Starting by April 15, 2021, the commissioner must annually submit the reports he receives to the Insurance and Real Estate Committee as well as the attorney general, healthcare advocate, and the Office of Health Strategy's executive director. The act prohibits the commissioner from including any health carriers' names and identities, including the names and identities of entities with which they contract. It deems such information confidential and prohibits the commissioner from making it public. Additionally, the act specifies that it does not require any disclosure in violation of federal confidentiality laws.

Insurance and Real Estate Committee Hearing

The act allows the Insurance and Real Estate Committee to hold a public hearing on the reports by May 15, 2021, and then annually after that. The insurance commissioner or his designee must attend and inform the committee whether, in his opinion, each health carrier (1) submitted the required report; (2) applied nonquantitative treatment limitations equally across mental health, substance use, and medical and surgical benefits; and (3) complied with certain state mental and nervous conditions coverage, prescription drug coverage, step therapy laws, and federal mental health parity laws.

PA 19-192—sHB 7179

Insurance and Real Estate Committee

AN ACT CONCERNING CRUMBLING CONCRETE FOUNDATIONS

SUMMARY: This act changes various policies affecting residential homes with foundations that are crumbling due to the presence of pyrrhotite (“crumbling concrete foundations”). Specifically, the act makes more buildings and building owners eligible for several assistance programs that support repairing or replacing crumbling concrete foundations by broadening the definition of “residential building” to include, among other things, buildings containing more than four condominium units (§ 2). It also correspondingly expands a concrete seller disclosure requirement and certain municipal bonding authorities, and makes conforming changes to income tax and other statutes.

The act also changes the residential property condition report, which property owners must use to make disclosures to potential buyers before a sale, by:

1. requiring owners to disclose and explain any information they have related to crumbling concrete;
2. establishing additional disclosure requirements for regions affected by crumbling concrete foundations and anyone selling foreclosed residential property in an affected municipality; and
3. requiring the disclosure of all significant defects in a property’s foundation, even if the seller fails to complete the residential disclosure report (§§ 5 & 6).

It creates a private right of action allowing buyers to bring a civil suit to recover actual damages from sellers who fail to make the required disclosures (§ 6).

Additionally, the act:

1. establishes a collapsing foundation supplemental loan program to guarantee loans made by banks and credit unions in Connecticut to owners of pyrrhotite-damaged buildings (§§ 7-12);
2. changes Connecticut Foundations Solutions Indemnity Corp. (CFSIC) enabling statutes, removing an obligation to create a unified aid application and shortening certain deadlines (§ 1);
3. changes the \$12 Healthy Homes Fund insurance surcharge, including (a) changing when and on whom the surcharge is assessed and (b) requiring surplus lines brokers to collect and remit the surcharge on applicable policies (§ 3);
4. specifies that a grant of up to \$1 million from the Healthy Homes Fund to aid certain homeowners in New Haven and Woodbridge with homes suffering from subsidence damage and water infiltration, must come from money accrued in the Healthy Homes Fund during the 2019 calendar year (§ 4);
5. establishes a program to encourage the development of technologies and techniques to prevent, identify, and repair crumbling concrete foundations (§ 13);
6. requires the state’s chief data officer to develop and implement a plan for collecting data needed to conduct crumbling concrete foundation research (§ 14); and
7. establishes a working group to (a) develop a model quality control plan for quarries and (b) study the workforce of contractors repairing and replacing crumbling concrete foundations (§ 15).

Finally, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2019, except the (1) provisions on the Healthy Homes Fund (§§ 3 & 4), Collapsing Foundation Supplemental Loan Program (§§ 7 – 12), and the quarry working group (§ 15) are effective upon passage and (2) changes to the residential condition report (§ 5) are effective October 1, 2019, with the private right of action provisions (§ 6) effective January 1, 2020.

§ 1 — CHANGES TO CFSIC ENABLING STATUTES

The act removes the requirement that CFSIC develop a single, unified financial aid application in consultation with the Department of Housing, Connecticut Housing Finance Authority (CHFA), and lenders participating in the Collapsing Foundations Credit Enhancement Program. It also requires CFSIC, when it adopts new guidelines, to publish them at least 15 days prior to their adoption, instead of 30 days before as under prior law. Finally, it requires CFSIC to require individuals receiving aid to disclose all financial compensation received from a personal risk policy, instead of only from a homeowners policy.

§ 2 — RESIDENTIAL BUILDING DEFINITION

The act broadens the definition of “residential building,” as used in certain statutes, to mean a (1) single- or multi-family residential unit, including a condominium unit or unit in a common interest community, or (2) building containing

one or more of these units. Under prior law, a residential building was a one- to four-family home, including a condominium or planned unit development.

The changes apply to:

1. CFSIC's eligibility statutes, making more homeowners eligible for CFSIC grants;
2. the Crumbling Foundations Assistance Fund statutes, making more homeowners eligible for Collapsing Foundations Credit Enhancement Program loans and help from the special homeowner advocate;
3. disclosure requirements for concrete sellers;
4. certain municipal bonding statutes related to abating deleterious conditions on property suffering from pyrrhotite damage; and
5. certain income tax provisions that allow owners of residential buildings to subtract from their state adjusted gross income the amount of certain crumbling concrete assistance they receive.

The definition also applies to the newly created Collapsing Foundation Supplemental Loan Program (see §§ 7-12 below).

§ 3 — \$12 HEALTHY HOMES SURCHARGE

The Healthy Homes surcharge is a \$12 surcharge imposed on certain homeowners insurance policies. By law, 85% of the amount collected is transferred into the Crumbling Foundations Assistance Fund, which CFSIC uses to assist homeowners with crumbling foundations (CGS § 38a-331). The remaining amount is used by the Department of Housing for lead abatement, among other things (CGS § 8-446).

The act assesses the surcharge on the first insured listed in the policy, instead of on the policy's named insured (which in practice can be more than one individual). Under the act, the insurer, insured, and any mortgagee can reasonably determine how to implement the surcharge, which is due in full when a policy begins or renews.

The act also assesses the surcharge only when a policy is issued or renewed, instead of each time a policy is delivered, issued, renewed, amended, or endorsed. Finally, the act imposes the surcharge on each insurance policy covering (1) owned homes with four or fewer units, excluding mobile homes; (2) individual condominium units; or (3) individual units in a common interest community that are used exclusively for residential purposes. Prior law imposed the surcharge on all personal risk policies covering (1) residential dwellings with four or fewer units and (2) condominiums.

As under prior law, the surcharge applies on policies through December 31, 2029. The act prohibits any portion of the surcharge from being reimbursed, even if a policy is cancelled.

Finally, the act specifically requires surplus lines brokers procuring insurance from nonadmitted insurers to collect and remit the surcharge on applicable policies. Prior law placed this duty on the nonadmitted insurers themselves.

§§ 5 & 6 — RESIDENTIAL PROPERTY CONDITION REPORT

By law, residential property sellers must either use the "residential condition report" to make disclosures about a property's condition to a prospective purchaser or credit the purchaser \$500 at closing. The act adds to the report questions that require sellers to disclose and explain any knowledge they have about pyrrhotite in the foundation. It also:

1. allows buyers to bring a civil suit to recover actual damages from any seller who knows of and fails to disclose significant defects in the property as required by the residential disclosure report;
2. requires sellers to provide the report when the property being sold transfers pursuant to a court order or by deed in lieu of foreclosure; and
3. in areas affected by crumbling concrete foundations, requires (a) municipalities transferring residential property and (b) sellers transferring residential property that they acquired through foreclosure, to disclose certain information about a property's foundation.

(Prior law exempted transfers by a municipality and transfers of previously foreclosed properties from the disclosure requirements).

Changes to Residential Condition Report (§ 5)

Under existing law, a seller must disclose any knowledge of foundation problems, settling, testing, inspection, or repairs. The act expands the contents of the report by requiring the seller to additionally:

1. disclose and explain any knowledge he or she has related to pyrrhotite in the property's foundation and
2. for foundation testing and inspections, disclose the testing or inspection method, area it was performed on, and the results, including a copy of any test or inspection report.

Disclosures by Municipalities and Sellers of Foreclosed Property (§ 5)

Under the act, municipalities the Capitol Region Council of Governments determines are affected, or potentially affected, by crumbling foundations must disclose to prospective purchasers any information they have about (1) the presence of pyrrhotite in such properties' foundations, (2) damage and deterioration in the foundations, and (3) repairs or remediation made to the foundations.

They must make the disclosures on a new residential foundation condition report form the act requires the consumer protection commissioner, within available appropriations, to prescribe. Sellers transferring residential properties (1) they acquired through foreclosure and (2) that are located in the affected municipalities must also make these disclosures. (PA 19-196 § 7 makes minor changes to this residential condition report).

As is the case for residential property disclosure reports under existing law, the act requires affected municipalities (and sellers of foreclosed property in these municipalities) to either provide the residential foundation condition report or credit the purchaser \$500 at closing.

Required Disclosure of Significant Defects and Private Right of Action (§ 6)

Under the act, failing to provide either of the required reports does not excuse a seller (including a municipality or seller of foreclosed property in an affected area) from disclosing to a prospective purchaser any significant defects in a residential property. The act specifies that crediting a buyer does not excuse a seller from disclosing defects in the property covered by the report if he or she has actual knowledge of the defect and it significantly impairs the (1) property's value or useful life span or (2) health and safety of its future occupants. If the seller fails to make these disclosures, the act allows a purchaser to bring a civil action in the judicial district in which the property is located to recover actual damages from the seller; doing so does not limit any other remedies the purchaser may have.

§§ 7-12 — COLLAPSING FOUNDATION SUPPLEMENTAL LOAN PROGRAM

The act requires CHFA to administer a collapsing foundation supplemental loan program to guarantee loans made by banks and credit unions in Connecticut to owners and occupants of residential buildings ("borrowers") with pyrrhotite-damaged concrete foundations (the program uses the same definition of a "residential building" as modified by § 2 above). To be eligible, a borrower must have a participation agreement from CFSIC stating that it will pay a portion of the foundation's repair or replacement cost.

Banks and credit unions with a physical location in Connecticut may participate in the program after providing advanced written notice to CHFA and the Department of Banking (DoB), on a form and manner they prescribe, that includes the financial institution's contact information.

The act allows participating institutions to issue loans of up to \$75,000, capped at an aggregate maximum of \$20 million for all loans. The loans have a maximum closing cost of \$800 and an interest rate equal to or less than that of a loan with similar terms and schedule offered by the Federal Home Loan Bank of Boston for Amortizing Advances through the New England Fund. The program ends once CHFA processes and the comptroller pays \$2 million in claim guarantees. CHFA must then (1) stop all claims processing and (2) notify the comptroller and each eligible financial institution. The act (1) allows CHFA, DoB, and the comptroller to enter into a memorandum of understanding to implement the act and (2) makes a conforming change.

Program Administration

The act allows CHFA, in consultation with banking industry representatives, to develop standard promissory note and mortgage deed forms for financial institutions to use when issuing program loans. Additionally, by September 1, 2019, CHFA, in consultation with banking industry representatives, must develop (1) reasonable standards that participating institutions can rely on to demonstrate good faith collection efforts (see below) and (2) a readily accessible communication portal for participating institutions to verify in real time the total dollar amount of program loans CHFA issued and guarantee claims submitted to the comptroller. The forms and standards must, to the extent feasible, closely align with existing forms, policies, and procedures and must not require post-delinquency collection efforts beyond 90 days.

Loan Issuance

A participating institution may make loans to eligible borrowers as long as they prove that CFSIC has agreed to pay for a portion of their foundation's repair or replacement cost. Loans, which can be conditioned on the availability of program funds and guarantees, must:

1. be secured by a residential mortgage deed,
2. have terms up to 20 years and be made in accordance with a financial institution's underwriting policies and standards,
3. be less than \$75,000, and
4. have an interest rate that is equal to or lower than the applicable Federal Home Loan Bank of Boston for Amortizing Advances through the New England Fund program rates.

The "applicable rate" is the New England Fund rate that (1) is published on the Federal Home Loan Bank of Boston's website on the date the interest rate is locked in by the borrower and financial institution and (2) has an advance term and amortization schedule that most closely corresponds to the term and amortization schedule of the loan the institution is issuing.

Closing Costs

Under the act, a financial institution may recover up to \$800 from the borrower for expenses paid to third parties for processing the application, closing the loan, and recording fees, and for other services, including obtaining a credit report, flood certification, title search, or appraisal. A borrower may finance the closing costs as part of the loan, subject to the \$75,000 cap, or pay them separately.

Notification to CHFA

Within one business day of making a loan under the program, a financial institution must notify CHFA in writing of the loan amount and any other information about the borrower or loan CHFA requests.

Additional Loans

The act specifies that it does not prohibit a participating financial institution from offering loans to eligible borrowers outside of the program.

Loan Proceeds and Eligible Repair Expenses

The act requires loan proceeds to be used only for "eligible repair expenses," which are (1) necessary to complete a foundation repair or replacement or (2) otherwise necessary to restore the property's functionality and appearance, to the extent they were compromised by the foundation's deterioration or the demolition and construction process. This includes repairing or replacing wall framing, drywall, paint and other wall finishes, porches, decks, gutters, landscaping, outbuildings, sheds, and swimming pools. Unless explicitly allowed as a repair expense, the act excludes costs associated with significant property upgrades. A participating institution may decline a loan application that includes a request to fund ineligible repair expenses, but failing to decline a loan for this reason does not impact the institution's ability to have the loan principal guaranteed through the program.

Guarantee Claim Payments

Under the act, a participating program that made a good faith effort to collect a loan's outstanding principal and demonstrates to CHFA that it did so in accordance with its loan servicing and collection policies, may submit a claim to recover the outstanding principal balance. CHFA must process the claim and submit it to the comptroller for payment. Any amount the comptroller needs to pay a claim is deemed appropriated from the General Fund. Once the comptroller pays a claim, and as a condition of the payment, the loan is assigned to the state. CHFA, as the state's agent, may continue loan collection efforts. Any outstanding loan funds collected by CHFA must be deposited back into the General Fund.

The act allows CHFA to terminate any loan guarantee if the financial institution misrepresents any applicable information or fails to comply with the act's requirements.

Financial Institution Program Withdrawal

A financial institution may suspend its participation in or withdraw from the program entirely five business days after notifying CHFA and DoB of its intent to do so and specifying the suspension or withdrawal date. A financial institution that stops participating in the program may still submit a guarantee claim, provided the program is still operational (i.e., has not exceeded its statutory maximum).

Program Description and List of Participating Institutions

By September 1, 2019, CHFA and DoB must each publish on their respective websites a summary of the program and list of participating banks and credit unions. The lists must be updated periodically and include each financial institution's contact information. Additionally, DoB must provide unspecified information about the program to licensed mortgage servicers.

Record Retention

Under the act, CHFA must maintain program administration records, including loans issued and repayments.

§ 13 — CONCRETE FOUNDATION REPAIR AND REPLACEMENT TECHNOLOGY PROGRAM

The act establishes a program to encourage the development of technologies and techniques to prevent, identify, and repair crumbling concrete foundations. Connecticut Innovations, Inc. (CI) must (1) administer the program within existing resources and (2) in conjunction with a volunteer panel of experts, develop program standards. The act allows CI to administer the program in coordination with agencies from other states.

§ 14 — CRUMBLING CONCRETE DATA COLLECTION

The act requires the state's chief data officer, in consultation with the Department of Housing, CFSIC, the state geologist, and the expert panel convened under § 13 above, to develop and implement a data collection plan necessary to conduct crumbling concrete foundation research. The act specifies that any data collected is confidential and exempt from the state's Freedom of Information Act, but allows the chief data officer to make it available for research purposes under data sharing agreements that maintain the data's confidentiality as it pertains to identifiable data.

§ 15 — QUARRY QUALITY CONTROL WORKING GROUP

The act establishes an eight-member working group to develop a model quality control plan for quarries and to study the workforce of contractors engaged in repairing and replacing crumbling concrete foundations. The working group must submit its plan to the General Law Committee on or before February 1, 2020, at which point the group terminates.

The working group consists of the following members:

1. two appointed by the House speaker, one with expertise in residential home building and one with expertise in the construction industry;
2. two appointed by the Senate president pro tempore, one of whom must be a Capitol Region Council of Governments member;
3. one each appointed by the House majority and minority leaders; and
4. one each appointed by the Senate majority and minority leaders.

The act specifies that working group appointees may be legislators. It requires appointments to be made by August 7, 2019, and any vacancies to be filled by the appointing authority.

The working group's chairpersons must be selected by the House speaker and the Senate president pro tempore and schedule the first meeting by September 6, 2019.

The act requires the General Law Committee's administrative staff to also serve as the working group's administrative staff.

PA 19-196—HB 7269*Insurance and Real Estate Committee***AN ACT CONCERNING CONFORMING, MINOR AND TECHNICAL CHANGES TO STATUTES CONCERNING INSURANCE AND REAL ESTATE****SUMMARY:** This act makes a number of unrelated changes to insurance and related statutes.

It resolves a conflict between two public acts passed in 2018: PA 18-41 and PA 18-43. It does so by inserting a reference to “special enrollment periods” in PA 18-41, which takes effect January 1, 2020, to conform to a change adopted in PA 18-43, which took effect January 1, 2019 (§ 2).

The act also makes a change in PA 19-192 to indicate that prospective buyers of certain residential properties may have a concrete foundation inspected by any licensed professional engineer, not just a structural engineer (§ 7).

Additionally, the act delays the effective date of the new Insurance Data Security Law (enacted in PA 19-117, § 230) by one year, from October 1, 2019, to October 1, 2020 (§ 8). It similarly delays the effective date, from October 1, 2020, to October 1, 2021, of (1) a corresponding change to the state’s existing data breach privacy law and (2) the repeal of the current information security program requirements for insurers and HMOs (§ 9).

Lastly, the act makes technical and conforming changes to insurance and related statutes (§§ 1 & 3-6).

EFFECTIVE DATE: October 1, 2019, except the conforming change concerning special enrollment periods is effective January 1, 2020, and the delayed effective dates for PA 19-117 are effective upon passage.

PA 19-201—sSB 838*Insurance and Real Estate Committee
Appropriations Committee***AN ACT CONCERNING VISION PLANS, OPTOMETRISTS AND OPHTHALMOLOGISTS****SUMMARY:** This act prohibits provider contracts between a health carrier (e.g., insurer or HMO) and a licensed ophthalmologist entered into, renewed, or amended on or after January 1, 2020, from requiring the ophthalmologist to accept as payment an amount the carrier sets for services, procedures, or products that are not covered benefits under an insurance policy or benefit plan.

It prohibits an ophthalmologist from charging patients more than his or her usual and customary rate for services, procedures, or products not covered by an insurance policy or benefit plan. It (1) requires a carrier to include a statement regarding noncovered services, procedures, and products on each evidence of coverage document issued for individual or group vision plans and (2) specifies the language that must be included in the statement.

The act also requires ophthalmologists to post, in a conspicuous place, a notice stating that services, procedures, or products that are not covered benefits under an insurance policy or plan might not be offered at a discounted rate.

By law, similar provisions concerning noncovered services and procedures apply to provider contracts between a carrier and an optometrist or a dentist. For optometrists, the act extends the provisions to apply to noncovered products as well. It also provides specific exceptions from its provisions (see below).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2020

EXCEPTIONS

Under prior law, the provisions regarding noncovered dental or optometric services and procedures did not apply to self-insured plans or contracts derived from collectively bargained agreements. The act instead specifies that the provisions regarding noncovered dental services and procedures and noncovered optometric or ophthalmologic services, procedures, and products do not apply to the following:

1. a self-insured plan;
2. a contract derived from a collectively bargained agreement;
3. a contract derived from a federally-defined multiemployer plan, which is a collectively bargained plan maintained by more than one employer (i.e., Taft-Hartley plans); or
4. a network of ophthalmologists, optometrists, or both, servicing such a plan or contract.

PA 19-5—sHB 7218

Judiciary Committee

AN ACT CONCERNING THE SAFE STORAGE OF FIREARMS IN THE HOME AND FIREARM SAFETY PROGRAMS IN PUBLIC SCHOOLS

SUMMARY: This act expands the firearm safe storage laws. Under prior law, the legal duty to securely store a loaded firearm applied when the person in control of the premises knows or reasonably should know that a minor under age 16 is likely to gain access to it without his or her parent's or guardian's permission. The act extends this storage requirement to also include unloaded firearms and increases the age threshold for these purposes to minors under age 18. As under existing law:

1. the safe storage requirements also apply if a resident of the home is either ineligible to possess a firearm under state or federal law or poses a risk of personal harm or harm to others and
2. a person who fails to securely store a firearm is strictly liable for damages, regardless of intent.

By law, criminally negligent storage of a firearm is a class D felony (see [Table on Penalties](#)).

The act specifies that the safe storage law applies to sawed-off shotguns, machine guns, rifles, shotguns, pistols, revolvers, or other weapons, whether loaded or unloaded, from which a shot may be discharged.

It also makes changes in the laws related to firearm safety programs for school children, including extending the grade level through which schools may offer such programs to grade 12 instead of grade eight.

EFFECTIVE DATE: October 1, 2019, except the provisions on the school firearm safety programs are effective July 1, 2019.

SAFE STORAGE OF A FIREARM

Under the act, a person complies with the safe storage requirements if he or she keeps the firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure. Under prior law, a person could comply with the requirements by keeping the firearm in such a box or container in a location that a reasonable person would believe to be secure.

As under existing law, a person may also comply with the requirements by carrying the firearm on his or her person or within such close proximity that he or she can readily retrieve and use the firearm as if he or she carried it on his or her person.

By law, unchanged by the act, a person is not guilty of criminally negligent firearm storage if the minor obtains the firearm as a result of an unlawful entry to any premises by anyone.

SCHOOL FIREARM SAFETY PROGRAMS

Under the act, the State Board of Education (SBE):

1. must, within available appropriations, develop guides to help local and regional boards of education develop firearm safety programs for public students in kindergarten through grade 12 and
2. may consult with the Connecticut Police Chiefs Association in developing the guides.

Prior law allowed SBE and the Connecticut Police Chiefs Association to develop curriculum guides for this purpose for kindergarten through grade eight in public schools. By law, SBE must make such guides available to local and regional boards of education.

The act also allows local or regional boards of education to offer firearm safety programs to K-12 public school students. Prior law allowed the boards to offer such programs to public school students in kindergarten through grade eight. The law prohibits local or regional boards of education from requiring students to participate in a firearm safety program.

PA 19-6—sHB 7219*Judiciary Committee***AN ACT CONCERNING GHOST GUNS**

SUMMARY: This act prohibits anyone from creating what is commonly referred to as a “ghost gun.” It does so by generally prohibiting anyone from completing the manufacture of a firearm without subsequently (1) obtaining a unique serial number or other identification mark from the Department of Emergency Services and Public Protection (DESPP) and (2) engraving or permanently affixing it to the firearm. The mark or serial number must be engraved or affixed in a way that conforms to the requirements that federal law and associated regulations impose on licensed firearm importers and manufacturers. This requirement does not apply if the frame or lower receiver of the firearm has such a serial number or identification mark. The act requires DESPP to develop and maintain a system to distribute such serial numbers or identification marks.

The act also prohibits anyone from:

1. transferring any such “ghost guns,” except to law enforcement;
2. manufacturing a firearm from polymer plastic that is less detectible by a walk-through metal detector than a security exemplar (i.e., an object used to test and calibrate metal detectors);
3. facilitating, aiding, or abetting the manufacture of a firearm (a) by or for an individual who is otherwise prohibited by law from owning or possessing a firearm or (b) that a person is otherwise prohibited by law from purchasing or possessing;
4. purchasing, receiving, selling, delivering, or transferring an unfinished frame or lower receiver without an identification mark or unique serial number or satisfying certain other requirements; and
5. possessing an unfinished frame or lower receiver if the person is ineligible to possess a firearm under state or federal law.

The act allows the court, under certain circumstances, to suspend the prosecution of a person accused of committing any of the above prohibited acts. During the suspension, the individual must comply with court-ordered conditions while in Court Support Services Division (CSSD) custody (i.e., on probation). The act allows the court to dismiss the charges if the individual complies with the court order and successfully completes probation.

The act additionally specifies that an individual may not remove, deface, alter, or obliterate a firearm’s unique serial number. Existing law, unchanged by the act, prohibits taking any such action to the maker or model name or the maker’s number or identification mark on any firearm. The act extends existing law’s penalties for such actions to the act’s prohibition about unique serial numbers.

EFFECTIVE DATE: October 1, 2019, except the provisions (1) requiring DESPP to establish a system for generating serial numbers or identification marks and (2) related to unfinished frames and lower receivers, are effective upon passage.

MANUFACTURED FIREARMS

For the act’s purposes, a “firearm” is a sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded, from which a shot may be discharged.

Obtaining Identifying Marks or Numbers

Under the act, within 30 days after completing the manufacture of a firearm or within 90 days after DESPP provides notice that its serial number and identification mark system is operational, whichever is later, an individual must notify DESPP and provide any identifying information about the firearm and its owner in a manner the DESPP commissioner prescribes. Under the act, “manufacture” means to fabricate or construct a firearm, including initial assembly.

DESPP Requirements

DESPP, upon receiving a properly submitted request for a serial number or identification mark from someone who completed the manufacture of a firearm, must determine if the person is prohibited from purchasing a firearm. If not, the department must issue the mark or number immediately or no more than three business days after receiving the request. The act specifies that this issuance is not evidence that the firearm is otherwise lawfully possessed.

Firearms Made of Polymer Plastics

The act also prohibits anyone from manufacturing a firearm from polymer plastic that, after removing grips, stocks, and magazines, is not as detectible as a security exemplar by a walk-through metal detector calibrated and operated to detect the exemplar (see BACKGROUND).

For these purposes, a firearm does not include a frame or receiver of such a weapon.

Penalty

Under the act, it is a class C felony (see [Table on Penalties](#)) if a person:

1. fails to obtain an identification mark or serial number from DESPP and engrave it on a manufactured firearm;
2. transfers such a firearm without an identifying mark or number to another person;
3. facilitates, aids, or abets the manufacture of a firearm (a) by or for a person who is otherwise prohibited by law from purchasing or possessing a firearm or (b) that a person is otherwise prohibited by law from purchasing or possessing; or
4. manufactures a firearm from polymer plastic in violation of the act's provisions.

There is a \$5,000 minimum fine unless the court states on the record its reasons for remitting or reducing it. Violators must forfeit any such firearms in their possession.

Exceptions

The act makes exceptions to the above requirements for (1) firearms manufactured by a federally licensed firearm manufacturer; (2) lawfully possessed antique firearms; (3) firearms manufactured before October 1, 2019, provided they are otherwise lawfully possessed; and (4) firearms that are delivered or transferred to a law enforcement agency.

UNFINISHED FRAMES OR LOWER RECEIVERS

Definition

Under the act, an “unfinished frame or lower receiver” is a blank, casting, or machined body (1) intended to be turned into a firearm frame or lower receiver with additional machining and (2) that has been formed or machined to the point where most major machining operations have been completed to turn the blank, casting, or machined body into a frame or lower receiver, even if the fire-control cavity area is still completely solid and unmachined.

For the act's purposes, an unfinished frame or lower receiver is not a firearm as defined under federal law (see BACKGROUND).

Transactions Involving Unfinished Frames or Lower Receivers

The act limits the purchase, receipt, sale, delivery, or transfer of an unfinished frame or lower receiver. It prohibits such actions if the frame or lower receiver does not have a unique serial number or identification mark obtained from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) serial numbering program or DESPP. The prohibition does not apply to such actions between (1) a federally licensed firearm manufacturer and a federally licensed firearm dealer, (2) a federally licensed firearm importer and a federally licensed firearm dealer, or (3) federally licensed firearm dealers. The act also allows anyone to arrange in advance to deliver and transfer an unfinished frame or lower receiver to a police department or DESPP.

The act generally allows a person to purchase, receive, sell, deliver, or transfer an unfinished frame or lower receiver that has the required serial number or identification mark, provided he or she does so in accordance with the procedures in existing law for such actions involving a pistol or revolver. Thus, in order to take such actions, an individual must:

1. have a valid pistol or revolver permit or eligibility certificate or be a federal marshal, parole officer, or peace officer;
2. first apply to DESPP and receive an authorization number;
3. ensure that the frame or lower receiver has a reusable trigger lock, gun lock, or gun locking device, as appropriate, unless the item is being sold at wholesale;
4. provide a receipt for the sale, transfer, or delivery that includes the person's name and address, the date of sale, and certain information about the frame or lower receiver; and
5. send copies of the receipt to DESPP and the chief of police or first selectman of the town where the transferee

resides.

Identifying Marks or Numbers

For these purposes, a person may obtain a unique serial number or identification mark from DESPP in the same manner as described above for manufactured firearms. If DESPP determines the person is not prohibited from purchasing a firearm, it must issue the serial number or identification mark within three days after receiving the request or within 10 business days after the DESPP system becomes operational, whichever is later.

The number must be engraved or permanently affixed to the frame or lower receiver in a manner that conforms with federal law's requirements for licensed firearms importers and manufacturers and associated regulations.

Illegal Possession

Starting October 1, 2019, the act also prohibits anyone from possessing an unfinished frame or lower receiver if he or she is ineligible to possess a firearm under state or federal law.

Penalty

Under the act, violation of any of the above requirements related to unfinished frames and lower receivers is generally a class C felony with a two-year mandatory minimum prison sentence and a \$5,000 minimum fine.

But if a person sells, delivers, or otherwise transfers an unfinished frame or lower receiver in violation of the act's provisions, knowing that the frame or lower receiver is stolen or that the manufacturer's number or identification mark has been altered, removed, or obliterated, it is a class B felony with a three-year mandatory minimum sentence and a \$10,000 minimum fine.

For both penalties, the minimum fines may not be remitted or reduced unless the court states on the record its reasons for doing so. Violators must forfeit any such unfinished frame or lower receiver in their possession.

SUSPENDED CRIMINAL PROCEEDINGS

Under the act, the court may suspend the prosecution of a person who violates any of the act's requirements related to unfinished frames and lower receivers, polymer plastic firearms, or manufactured firearms, if it finds that:

1. the violation is not serious in nature,
2. the alleged violator will probably not offend in the future, and
3. he or she has not previously (a) been convicted of such a violation or (b) had a prosecution suspended for such a violation.

The court may only suspend the prosecution if the person acknowledges that he or she understands the consequences of the suspension.

A person for whom prosecution is suspended must agree to (1) let the statute of limitations for the violation toll (i.e., pause) and (2) waive his or her right to a speedy trial. The person must appear in court and be released under court-ordered conditions to CSSD custody (i.e., placed on probation) for up to two years. If the person refuses to accept the court-ordered conditions, or accepts and then violates them, the court must terminate the suspension and the case must go to trial.

Dismissal of Charges and Record Erasure

If the person satisfactorily completes the probation period, he or she may apply to have the charges dismissed, and the court, on finding the completion satisfactory, must dismiss the charges. If the person does not apply for dismissal after successfully completing probation, the court, after receiving a report from CSSD to that effect, may make a finding of satisfactory completion on its own motion and dismiss the charges. Upon dismissal, the records must be erased. The individual may appeal an order (1) denying the motion to dismiss the charges against him or her after he or she has completed probation or (2) terminating his or her program participation.

DESPP SYSTEM

Under the act, by October 1, 2019, DESPP, in consultation with the ATF as needed, must develop and maintain a system to distribute a unique serial number or other identification mark to anyone requesting one as described above. It

must provide written notice that the system is operational (1) on the DESPP website and (2) electronically to federally licensed firearm dealers. DESPP must maintain identifying information about the person requesting the number or mark and the firearm or unfinished frame or lower receiver for which the number or mark is requested.

BACKGROUND

Security Exemplar

A “security exemplar” is an object suitable for testing and calibrating metal detectors and constructed of (1) 3.7 ounces of material type 17-4 PH stainless steel in the shape of a handgun or (2) a lesser amount of material that the U.S. Attorney General determines is detectable in view of advances in state-of-the-art developments in weapons detection technology (18 U.S.C. § 922(p)).

Firearm

Under federal law, a firearm is a:

1. weapon (including a starter gun) that will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
2. frame or receiver of any such weapon;
3. firearm muffler or firearm silencer; or
4. destructive device (18 U.S.C. § 921(a)).

PA 19-7—sHB 7223

Judiciary Committee

AN ACT CONCERNING THE STORAGE OF A PISTOL OR REVOLVER IN A MOTOR VEHICLE

SUMMARY: This act prohibits storing or keeping a pistol or revolver (i.e., a handgun with a barrel shorter than 12 inches) in an unattended motor vehicle if the firearm is not in the trunk, a locked safe, or a locked glove box. For the act’s purposes, a motor vehicle is unattended if no owner, operator, or passenger who is at least 21 years old is either inside the vehicle or in close enough proximity to prevent unauthorized access. A first offense is a class A misdemeanor; a subsequent offense is a class D felony (see [Table on Penalties](#)).

The act specifies numerous law enforcement personnel and other entities to whom its provisions do not apply. It also allows the court to suspend criminal proceedings for storage requirement violations under certain circumstances. During the suspension, the violator must comply with certain court-ordered conditions while in Court Support Services Division (CSSD) custody (i.e., on probation). The act allows the court to dismiss the charges if the violator complies with the court order and successfully completes probation.

EFFECTIVE DATE: October 1, 2019

DEFINITIONS

For the act’s purposes, a “trunk” is (1) the fully enclosed and locked main storage or luggage compartment of a motor vehicle that is not accessible from the passenger compartment or (2) a locked toolbox or utility kit attached to a pickup truck bed. It does not include the rear of a pickup truck, except as provided above; the rear of a hatchback, station-wagon-type automobile, or sport utility vehicle; or any compartment that has a window.

EXEMPTIONS

The act’s storage requirements do not apply to a pistol or revolver issued to or possessed by the following entities:

1. the Department of Emergency Services or Public Protection (DESPP), police departments, or the Division of Criminal Justice (DCJ);
2. the Departments of Correction (DOC), Motor Vehicles (DMV), Revenue Services, and Energy and Environmental Protection (DEEP); and
3. state or U.S. military or naval forces.

The act's storage requirements also do not apply to a pistol or revolver issued to or possessed by the following individuals for use in discharging their official duties or when off-duty:

1. a sworn member of a law enforcement unit, including DOC or DESPP's Division of State Police;
2. a DCJ inspector or chief inspector;
3. a salaried motor vehicle inspector designated by the DMV commissioner;
4. a conservation or special conservation officer appointed by the DEEP commissioner; and
5. a Police Officer Standards and Training Council-certified constable appointed by a municipality's chief executive authority to perform criminal law enforcement duties.

The act's storage requirements additionally do not apply to a pistol or revolver issued to or possessed by:

1. a member of the state or U.S. military or naval forces or
2. a nuclear facility licensed by the U.S. Nuclear Regulatory Commission to provide security services at the facility, or any contractor or subcontractor providing security services at such facility.

For any of the above exemptions, the pistol or revolver must be kept or stored in accordance with the issuing or possessing entity's policy concerning safe keeping or storage of a pistol or revolver in a motor vehicle.

SUSPENDED CRIMINAL PROCEEDINGS

Under the act, the court may suspend the prosecution of a person who violates its storage requirements if it finds that (1) the violation is not serious in nature, (2) the alleged violator will probably not offend in the future, and (3) he or she has not previously (a) been convicted of such a violation or (b) had a prosecution suspended for such a violation.

The court may additionally suspend the prosecution if it finds that the person was charged with the violation because of facts or circumstances he or she accurately reported to an organized local police department about a lost or stolen firearm in accordance with existing law's requirements.

The court may only suspend the prosecution if the person acknowledges that he or she understands the consequences of the suspension.

Conditions for Suspension

A person whose prosecution is suspended must agree to (1) let the statute of limitations for the violation toll (i.e., pause) and (2) waive his or her right to a speedy trial. The person must appear in court, where he or she must then be released under court-ordered conditions to CSSD custody (i.e., placed on probation) for up to two years. If the person refuses to accept the court-ordered conditions, or accepts and then violates them, the court must terminate the suspension and the case must go to trial.

Dismissal of Charges

If the person satisfactorily completes the probation period, he or she may apply to have the charges dismissed; the court, on finding the completion satisfactory, must dismiss the charges. If the person does not apply for dismissal after successfully completing probation, then the court, after receiving a report from CSSD to that effect, may make a finding of satisfactory completion on its own motion and dismiss the charges. Upon dismissal the records must be erased.

Appeals

The individual may appeal an order (1) denying the motion to dismiss the charges after he or she has completed probation or (2) terminating his or her program participation.

BACKGROUND

Handguns in Vehicles

By law, a person generally must have a permit to carry a handgun in Connecticut, including in a motor vehicle. A person may transport a handgun in a vehicle without a permit if it is unloaded, not readily or directly accessible from the passenger compartment or, if the vehicle does not have a compartment separate from the passenger compartment, it is in a locked container other than the glove compartment or console, and the person is:

1. carrying the handgun home from the place of sale in its original packaging;
2. moving his or her household goods from one place to another;

3. transporting the handgun to or from a repair;
4. transporting the handgun in or through the state for competitions, formal training, repair, or any meeting or exhibition of an organized collectors' group if the person is a U.S. resident and has a handgun permit from where he or she resides;
5. transporting the handgun to and from a testing range at the request of the issuing authority; or
6. transporting an antique handgun (CGS § 29-35).

A violation of this law is a class D felony with a mandatory minimum one-year sentence in the absence of mitigating circumstances. Any handgun found in the violator's possession must be forfeited (CGS § 29-37). It is generally a class D felony for an individual to knowingly have in his or her motor vehicle a handgun without the proper permit (CGS § 29-38).

Interstate Transportation of Firearms

The law allows the interstate transportation of firearms without a permit through Connecticut in accordance with federal law and for lawful purposes if the individual (1) is not otherwise prohibited from shipping, transporting, receiving, or possessing firearms and (2) is transporting them between states where they can legally possess and carry them. The guns must be kept unloaded and the guns and any ammunition cannot be readily or directly accessible from the passenger compartment. If the vehicle does not have separate compartments the guns and any ammunition must be in a locked container other than the glove compartment or console (CGS § 29-38d).

PA 19-9—sSB 1114

Judiciary Committee

AN ACT CONCERNING PAYMENTS FROM THE DEPARTMENT OF CORRECTION TO A MUNICIPALITY THAT PROVIDES AMBULANCE SERVICES ON BEHALF OF A CORRECTIONAL FACILITY

SUMMARY: By law, the Department of Correction (DOC) may transfer a correctional facility inmate who requires hospitalization for medical care to a hospital with facilities for such care.

This act requires the DOC commissioner to revise the department's payment methodology before October 1, 2019, for ambulance services a municipality provides to transfer such an inmate to a hospital for medical care. The revision must ensure that if the inmate does not have health insurance, DOC will reimburse the municipality for the ambulance services at the same rate it is contractually obligated to pay non-municipal ambulance service providers.

EFFECTIVE DATE: July 1, 2019

PA 19-14—SB 1100

Judiciary Committee

AN ACT CONCERNING "UPSKIRTING"

SUMMARY: Under existing law, the crime of voyeurism includes when someone, intending to arouse or satisfy his or her or someone else's sexual desire, knowingly photographs, films, videotapes, or otherwise records ("records") the victim's genitals, pubic area, buttocks, or undergarments or stockings used to clothe them, when they are not in plain view, and without the victim's knowledge and consent. (This conduct is sometimes referred to as "upskirting.")

This act specifies that this crime applies when the victim has a reasonable expectation of privacy, regardless of whether the victim is in a public place.

It also specifies that, for purposes of all conduct constituting voyeurism (see BACKGROUND), a person is not "in plain view" if the view is achieved by photographing or recording under or around a person's clothing.

By law, depending on the circumstances, voyeurism is either a class D or class C felony (see [Table on Penalties](#)).

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Voyeurism

By law, in addition to the conduct described above, a person commits voyeurism if he or she, intending to arouse or satisfy his or her sexual desire:

1. commits simple trespass;
2. observes another person who is inside a dwelling and not in plain view under circumstances where there is a reasonable expectation of privacy; and
3. does not have the other person's knowledge or consent and the observation is not casual or cursory.

A person also commits voyeurism when, with malice or intending to satisfy his or her or another's sexual desire, the person:

1. knowingly photographs or records the victim's image, without the victim's knowledge and consent; and
2. does so when the victim is not in plain view and has a reasonable expectation of privacy under the circumstances (CGS § 53a-189a).

PA 19-16—sSB 3

Judiciary Committee

Appropriations Committee

AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT

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§§ 1, 3 & 9 — SEXUAL HARASSMENT TRAINING AND INFORMATION REQUIREMENTS FOR EMPLOYERS

Expands requirements for employers to provide training and related information to employees about sexual harassment laws, and requires CHRO to make related training materials available

Training and Education

Under prior law, the Commission on Human Rights and Opportunities (CHRO) could require employers with at least 50 employees to provide their supervisory employees with two hours of training and education ("training") on federal and state sexual harassment laws and remedies available to victims. This act expands this requirement to cover (1) employers of any size and (2) non-supervisory employees for employers with at least three employees.

The act requires the new training to occur within one year of October 1, 2019, except that any employer who provided the act's training after October 1, 2018, is not required to provide it a second time.

The act requires CHRO to develop and make available to employers a free, online training and education video or other interactive method that fulfills the act's training requirements (§ 3). As long as CHRO does so, the act's required employee training must take place within six months of the hiring date, starting October 1, 2019, for all new (1) nonsupervisory and supervisory employees hired by employers with at least three employees and (2) supervisory employees hired by smaller employers.

Under the act, the employers required to provide this training must provide supplemental training at least every 10 years to update all employees on the content of the training.

The act subjects employers to a fine of up to \$1,000 if they fail to provide the training as required (§ 9). (PA 19-93, § 5, reduces the maximum fine to \$750.)

As explained below, the act additionally classifies this inaction as a discriminatory practice.

Information (§§ 1 & 3)

Existing law gives CHRO the power to require employers with three or more employees to post in a prominent and accessible place a notice stating that sexual harassment is illegal and the remedies available to victims. The act requires these employers to also send a copy of this information to employees by email within three months of their hire if the (1) employer has provided an email account to the employee or (2) employee has provided the employer with an email address. The email's subject line must be similar to "Sexual Harassment Policy." If an employer has not provided email accounts to employees, it must post the information on its website, if it has one.

The act requires CHRO to develop and include on its website a link about the illegality of sexual harassment and the remedies available to victims (§ 3). An employer can comply with the requirement above by providing this link to employees by email, text message, or in writing.

Covered Employees (§ 1)

The act specifies that for the above provisions on sexual harassment training and information, "employee" includes anyone employed by an employer, including someone employed by his or her parent, spouse, or child. This is an exception to the general definition of employee in the CHRO statutes, which excludes these family members (CGS § 46a-51(9)).

Ensuring Compliance (§ 9)

Existing law allows CHRO to order employers and certain others to post notices describing any laws as CHRO directs, including employer notices of sexual harassment laws as set forth above. The act allows the CHRO executive director to assign a designated representative to enter an employer's business location, during normal business hours, to ensure compliance with these requirements.

The designated representative may also examine the employer's records, policies, procedures, postings, and sexual harassment training materials to ensure compliance with these posting requirements and the sexual harassment training requirements described above.

The act requires designated representatives, when carrying out these duties, to ensure that they do not unduly disrupt the employers' business operations.

(PA 19-93, § 5, limits these provisions to (1) the 12-month period after an employee files a complaint against the employer or (2) when the CHRO executive director reasonably believes that the employer has violated these posting or training requirements. That act also prohibits the designated representatives from entering without the homeowner's express permission if the business location is a residential home.)

EFFECTIVE DATE: October 1, 2019, except July 1, 2019 for the provisions requiring CHRO to post information on its website and make training materials available.

§ 2 — DISCRIMINATORY PRACTICE DEFINITION

Expands the definition of "discriminatory practice" in the CHRO statutes to include, among other things, an employer's failure to provide sexual harassment training

The act expands the definition of "discriminatory practice" in the CHRO statutes to include violations of the following requirements for:

1. employers, to (a) provide training and education to employees about the illegality of sexual harassment and available remedies and (b) post related notices and send copies to employees (see above); and
2. state agencies, to provide diversity training and education to employees, annually report on the training, and submit information demonstrating compliance as part of their affirmative action plans.

By adding these violations to the definition of discriminatory practice, the act allows individuals aggrieved by any such violation, or CHRO itself, to file a complaint with CHRO alleging discrimination.

(PA 19-93, § 1, removes from the definition of "discriminatory practice" violations by employers of requirements to post notices and provide copies to employees about sexual harassment laws and available remedies.)

EFFECTIVE DATE: October 1, 2019

§ 4 — CORRECTIVE ACTION IN SEXUAL HARASSMENT CASES

Allows employers to modify the conditions of an alleged harassment victim's employment only with that person's consent

The act prohibits an employer, when taking immediate corrective action in response to an employee's sexual harassment claim, from modifying the claimant's conditions of employment unless the claimant agrees in writing to the modification. This includes actions such as (1) relocating the employee who made the claim, (2) assigning him or her to a different work schedule, or (3) making other substantive changes to the terms and conditions of employment.

(Under PA 19-93, § 8, even if the employer did not obtain the claimant's written consent, CHRO may find that the employer's corrective action was reasonable and not harmful to the claimant based on the evidence the parties presented.)

EFFECTIVE DATE: October 1, 2019

§ 5 — EQUAL EMPLOYMENT OPPORTUNITY OFFICERS

Limits the disclosure of investigation-related documents by state entities' equal employment opportunity officers

By law, each state agency, department, board, or commission must designate a full- or part-time equal employment opportunity officer who is responsible for investigating discrimination complaints made against the applicable entity (with certain exceptions).

The act generally prohibits these officers from disclosing witness statements or documents received or compiled in conjunction with an investigation of discrimination within the entity until the investigation concludes. But it allows disclosures to (1) personnel charged with investigating or adjudicating the complaint or (2) CHRO.

EFFECTIVE DATE: October 1, 2019

§ 6 — COMPLAINT FILING DEADLINE

Gives a claimant more time to file a complaint with CHRO alleging employment discrimination or other types of discrimination by state agencies

Prior law allowed a claimant to file a discriminatory practice complaint with CHRO within (1) 180 days after the alleged discrimination or (2) 30 days for complaints alleging discrimination based on denial of state employment or occupational licensure due to criminal history.

The act extends to 300 days the time for filing complaints alleging discrimination that allegedly occurred on or after October 1, 2019, in any of the following areas:

1. employment (including sexual harassment);
2. equal employment in state agencies and the judicial branch;
3. state agency practices (including permitting certain types of discrimination, such as in housing or public accommodations);
4. state agency job placement services or state licensing;
5. state agency educational and vocational guidance and apprenticeship programs;
6. allocation of state benefits;
7. state agency cooperation with CHRO;
8. required state agency annual reporting to the governor on nondiscrimination efforts; and
9. denial of state employment or occupational licensure due to criminal history.

EFFECTIVE DATE: October 1, 2019

§ 7 — REMEDIES FOR DISCRIMINATORY EMPLOYMENT PRACTICES

Requires the CHRO presiding officer to, among other things, issue an order that makes the complainant whole after finding a discriminatory employment practice

Under prior law, after a finding of a discriminatory employment practice, a CHRO hearing officer could order that (1) the complainant be hired or reinstated with or without back pay or (2) his or her membership in any respondent labor organization be restored.

The act instead requires the officer to:

1. issue an order eliminating the discriminatory practice and making the complainant whole, including restoring

- labor organization membership;
- 2. determine the amount of damages, including the complainant's actual costs incurred as a result of the discrimination; and
- 3. allow reasonable attorney's fees and costs.

The amount of attorney's fees allowed cannot be contingent upon the amount of damages requested by, or awarded to, the complainant.

(PA 19-93, § 6, allows, rather than requires, CHRO presiding officers to issue such orders, determine the amount of damages, and allow reasonable attorney's fees. That act also requires the CHRO executive director to annually report to the Judiciary Committee on CHRO's awarding of reasonable attorney's fees and costs under these provisions.)

EFFECTIVE DATE: October 1, 2019

§ 8 — DOCUMENT INSPECTION AND CONSEQUENCES OF NONCOMPLIANCE

Allows the presiding officer at CHRO administrative hearings to impose nonmonetary penalties on parties that do not comply with orders to produce relevant and material documents

Under the act, CHRO and each party to a CHRO administrative hearing must have the opportunity to inspect and copy relevant and material records, papers, and documents not in the party's possession unless another state or federal law prohibits it. (PA 19-93, § 3, eliminates the reference to federal law.) The act allows the presiding officer to (1) order a party to produce these records, papers, and documents and (2) issue a nonmonetary order against a party who fails to comply within 30 days.

The nonmonetary order must be deemed just and appropriate by the officer and may:

- 1. find that the matters in the order are established as set forth in the requesting party's claim,
- 2. prohibit the noncomplying party from introducing designated matters into evidence,
- 3. limit the noncomplying party's participation as to issues or facts relating to the order, and
- 4. draw an adverse inference against the noncomplying party.

EFFECTIVE DATE: October 1, 2019

§ 9 — PENALTY FOR FAILURE TO POST CERTAIN NOTICES

Increases the fine for employers and certain other individuals and entities for failing to post notices about nondiscrimination laws

By law, CHRO can require the following individuals or entities to post notices describing any laws as it directs: employers, employment agencies, labor organizations, or complaint respondents or other people subject to the public accommodations or housing discrimination laws. The act increases the maximum fine for a failure to comply from \$250 to \$1,000. (PA 19-93, § 5, instead sets the maximum fine at \$750.)

EFFECTIVE DATE: October 1, 2019

§ 10 — PUNITIVE DAMAGES IN COURT AFTER RELEASE FROM CHRO JURISDICTION

Allows courts to award punitive damages in discrimination cases after release from CHRO jurisdiction

The act allows courts to award punitive damages in discrimination cases that were released from CHRO jurisdiction. In 2016, the state Supreme Court ruled that the existing statute did not authorize courts to award punitive damages (*Tomick v. United Parcel Service, Inc.*, 324 Conn. 470 (2016)).

Under existing law for these cases, courts may award the legal and equitable relief they deem appropriate, including injunctive relief, attorney's fees, and court costs.

EFFECTIVE DATE: October 1, 2019

§ 11 — CHRO CIVIL ACTIONS IN THE PUBLIC INTEREST

Allows CHRO's executive director, within available appropriations, to assign CHRO legal counsel to bring a civil action, instead of an administrative hearing, in certain cases when doing so would be in the public interest and the parties agree to the case proceeding to court

Under existing law, certain cases within CHRO's jurisdiction proceed to an administrative hearing phase (e.g., if the investigator finds reasonable cause to believe that discrimination occurred and the parties cannot reach a settlement). The act allows the CHRO executive director, through the supervising attorney and within available appropriations, to assign CHRO legal counsel to bring a civil action about an alleged discriminatory practice, instead of a case proceeding to an administrative hearing. The executive director may do so if she determines that (1) this would be in the public interest and (2) the parties mutually agree, in writing, to the case proceeding in this way.

The legal counsel must bring the case in Superior Court within 90 days after notifying the parties of the executive director's determination. The action may be served by certified mail. The act exempts these cases from certain conditions that apply to civil actions brought after CHRO has released a case from its jurisdiction (such as specific provisions on venue and the statute of limitations).

The act limits the court's jurisdiction to the claims, counterclaims, defenses, or other matters that could be presented at a CHRO administrative hearing had the complaint remained with CHRO. It allows the complainant to intervene as a matter of right without permission from the court, CHRO, or the other party. The case must be tried without a jury.

Under the act, the complainant or his or her attorney must present all or part of the case in support of the complaint if CHRO legal counsel determines that this will not adversely affect the state's interest.

The act allows a court to grant the same relief that would be available in a civil action after a case was released from CHRO jurisdiction. If the court finds that the respondent committed a discriminatory practice, the act requires the court to order the respondent to pay CHRO its fees and costs in addition to a civil penalty of up to \$10,000. (PA 19-93, § 2, limits such orders to cases where a discriminatory practice was established by clear and convincing evidence.) CHRO must use the funds from the penalty to advance the public interest in eliminating discrimination.

EFFECTIVE DATE: October 1, 2019

§ 12 — EVIDENCE IN CIVIL SEXUAL MISCONDUCT CASES

Limits when evidence of the victim's sexual history may be admitted in civil proceedings involving alleged sexual assault or alleged sexual harassment

The act limits the circumstances in which evidence of a victim's or an alleged victim's ("victim") sexual history may be admitted in civil proceedings involving alleged sexual assault or alleged sexual harassment. It generally prohibits offering evidence to prove (1) that a victim engaged in other sexual behavior or (2) the victim's sexual predisposition. But it allows the court to admit (1) this evidence if the probative value substantially outweighs the danger of harm to any victim and unfair prejudice to any party and (2) evidence of a victim's reputation if the victim has placed his or her reputation in controversy.

Under the act, if a party intends to offer such evidence, the party must:

1. file a motion, by lodging a record pursuant to Practice Book requirements, specifically describing the evidence and stating its purpose, at least 14 days before the hearing unless the court, for good cause shown, sets a different deadline;
2. serve the motion on all parties pursuant to court rules; and
3. notify the victim or, when appropriate, the victim's guardian or representative.

The act requires the court, before admitting this evidence, to conduct an in chambers hearing and give the parties and the victim the right to attend and be heard. Unless the court orders otherwise, the motion, related materials, and hearing record must be and remain sealed.

EFFECTIVE DATE: October 1, 2019

§ 13 — CIVIL STATUTE OF LIMITATIONS FOR VICTIMS UNDER AGE 21

Extends the time to file a civil lawsuit related to sexual abuse or related conduct for victims under age 21

Under prior law, if a victim was a minor (i.e., under age 18) when sexual assault, sexual abuse, or sexual exploitation occurred, the victim had until his or her 48th birthday to file a personal injury lawsuit for damages, including emotional

distress, caused by the conduct.

The act extends this provision in two ways. First, it applies it to victims who were under age 21, rather than 18, at the time of the conduct. Second, it allows any such victim to file the lawsuit at any time up to the date of his or her 51st birthday.

Under existing law, regardless of the victim's age, there is no limitation on bringing a personal injury lawsuit for damages caused by sexual assault when the offender has been convicted of 1st degree sexual assault or 1st degree aggravated sexual assault for such conduct (CGS § 52-577e).

EFFECTIVE DATE: October 1, 2019, and applicable to any case arising from an incident committed on or after that date.

§ 14 — CIVIL STATUTE OF LIMITATIONS TASK FORCE

Establishes a task force to study whether to amend the civil statute of limitations for sexual abuse

The act establishes a task force to study whether the state should amend the statutes of limitations for personal injury to minors and adults caused by sexual abuse, sexual exploitation, or sexual assault. The group must examine the applicable statutes of limitations in Connecticut and other states, including a review of reviving claims that are otherwise time barred. The table below lists the criteria for task force appointments.

Task Force Members

Appointing Authority	Appointee Criteria
House speaker	One appointee (This act does not specify the requisite qualifications; PA 19-93, § 7, requires that this appointee be an attorney who has represented multiple plaintiffs in civil lawsuits concerning sexual abuse, exploitation, or assault)
Senate president pro tempore	A victim of sexual abuse, exploitation, or assault
House speaker and Senate president pro tempore jointly	One appointee (unspecified qualifications)
House majority leader	One appointee who is a (1) representative of an entity named as a defendant in a lawsuit for sexual abuse, sexual exploitation, or sexual assault or (2) lawyer who has represented two or more clients named as defendants in such cases
Senate majority leader	A representative from the Connecticut Alliance to End Sexual Violence
House minority leader	One appointee who is a (1) representative of an entity named as a defendant in a lawsuit for sexual abuse, sexual exploitation, or sexual assault or (2) lawyer who has represented two or more clients named as defendants in such cases
Senate minority leader	One appointee (unspecified qualifications)
N/A	Connecticut Trial Lawyers Association executive director, or the director's designee (PA 19-93, § 7, eliminates this member)
Chief Court Administrator	Current or former Superior Court judge

Under the act, the task force members appointed by the House speaker, Senate president, House speaker and Senate president jointly, or House minority leader may be legislators.

Task force appointments must be made within 30 days after the act's passage and the appointing authority must fill any vacancy.

The member appointed jointly by the House speaker and Senate president serves as the task force chairperson. The chairperson must schedule the first task force meeting, which must be held no later than 60 days after the act's passage. The Judiciary Committee's administrative staff serves in that capacity for the task force.

By January 15, 2020, the task force must report to the Judiciary Committee on its findings and recommendations.

The task force terminates on the date it submits the report or January 15, 2020, whichever is later.

EFFECTIVE DATE: Upon passage

§§ 15, 16 & 18 — SEXUAL ASSAULT OF AN INCAPACITATED PERSON

Increases the penalty for subjecting someone to sexual contact if the victim is mentally incapacitated and cannot consent

Under prior law, it was 4th degree sexual assault to subject someone to sexual contact if the victim was mentally incapacitated because of mental disability or disease to the extent that he or she could not consent to the contact.

The act instead makes it 3rd degree sexual assault to subject someone to sexual contact if the victim was mentally incapacitated to the extent that he or she cannot consent. The act thus increases the penalties as follows:

1. from a class D felony to a class C felony if the victim is under age 16 and
2. from a class A misdemeanor to a class D felony if the victim is age 16 or older (see [Table on Penalties](#)).

(PA 19-93, §§ 9 & 10, similarly increases the penalty for subjecting someone to sexual contact if the victim is mentally impaired to the extent that he or she cannot consent, and specifies that the increased penalty applies to contact with someone incapacitated or impaired due to mental disability or disease, consistent with the underlying law.)

EFFECTIVE DATE: October 1, 2019

§§ 17 & 19-23 — STATUTE OF LIMITATIONS FOR SEXUAL ASSAULT AND RELATED CRIMES

Eliminates or extends the statute of limitations for various sexual assault and related crimes

Under prior law, the statute of limitations for sexual assault crimes was generally five years. But there was:

1. no statute of limitations for sexual assault crimes that are class A felonies (including aggravated sexual assault of a minor and certain cases of 1st degree sexual assault or 1st degree aggravated sexual assault);
2. no statute of limitations for certain sexual assault crimes involving DNA evidence (CGS § 54-193b); and
3. an extended statute of limitations in other cases involving sexual abuse, sexual exploitation, or sexual assault of minors (in most cases, until the earlier of the victim's 48th birthday or five years from the date the victim reported the crime).

The act makes the following changes to the statute of limitations for sexual assault crimes.

Victims Who Are Minors

The act eliminates the statute of limitations for any offense involving sexual abuse, sexual exploitation, or sexual assault of a minor, including risk of injury to a minor involving intimate contact with a victim under age 16.

Victims Age 18, 19, or 20

For any offense involving sexual abuse, sexual exploitation, or sexual assault of a person age 18, 19, or 20, the act extends the statute of limitations until the victim's 51st birthday, unless there would be no statute of limitations (e.g., the crime is a class A felony).

Other Felony Sexual Assault Crimes

The act extends, from five to 20 years, the default statute of limitations for felony sexual assault crimes for cases in which the victim is age 21 or older, unless there would be no statute of limitations under the act or existing law as described above.

This applies to:

1. 1st degree sexual assault and 1st degree aggravated sexual assault in cases where either crime is a class B felony (there is already no limitation on prosecuting other cases of these crimes, which are class A felonies);
2. sexual assault in a spousal or cohabiting relationship (see Background, *Related Acts*);
3. 2nd degree sexual assault and 3rd degree sexual assault with a firearm in cases where either crime is a class C felony (i.e., the victim is age 16 or older; if the victim is under age 16, there is also no statute of limitations as described above); and
4. 3rd degree sexual assault in cases where the crime is a class D felony (i.e., the victim is age 16 or older; if the victim is under age 16, there is also no statute of limitations as described above).

Misdemeanor 4th Degree Sexual Assault

The act extends the statute of limitations to 10 years for 4th degree sexual assault in cases where the crime is a class A misdemeanor and the victim is age 21 or older. Previously, the statute of limitations for these cases was one year.

EFFECTIVE DATE: October 1, 2019, and provisions eliminating or extending statutes of limitations are applicable to (1) offenses committed on or after that date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed has not expired as of October 1, 2019.

BACKGROUND*Related Acts*

PA 19-93 makes various changes to PA 19-16 as described above, and adds a provision allowing the chief human rights referee, under certain conditions, to appoint a magistrate to preside over a CHRO proceeding if there is a backlog.

PA 19-189 repeals the law that specifically criminalized sexual assault in a spousal or cohabiting relationship, but simultaneously subjects married individuals to penalties for other sexual assault offenses.

PA 19-20—sSB 992*Judiciary Committee***AN ACT CONCERNING THE TRUST ACT**

SUMMARY: This act makes several changes to the state's civil immigration detainer law. Among other things, the act:

1. expands the definition of a civil immigration detainer and prohibits law enforcement officers from arresting or detaining someone pursuant to such a detainer unless it is accompanied by a judicial warrant (i.e., one signed by any state or federal judge or federal magistrate judge, but not an immigration judge) (PA 19-23 allows an individual to be arrested and detained pursuant to a detainer without a judicial warrant under certain circumstances);
2. establishes new procedures that law enforcement officers must follow when responding to these detainers, placing additional restrictions on the actions they may take and eliminating prior law's requirement that they consider certain public safety and risk factors (PA 19-23 makes certain changes to these new procedures, including allowing the consideration of public safety factors under certain circumstances);
3. limits the circumstances under which law enforcement officers may disclose an individual's confidential information to a federal immigration authority (PA 19-23 specifies that the civil immigration detainer law should not be construed to require disclosure of records that are exempt under the Freedom of Information Act (FOIA));
4. deems law enforcement agency records relating to U.S. Immigration and Customs Enforcement (ICE) access as public under FOIA; and
5. applies certain of its provisions to school police or security department employees at public higher education institutions or K-12 schools, bail commissioners, and adult probation officers (PA 19-23 also applies such provisions to certain judicial branch employees).

The act also requires (1) municipalities to report specified information monthly to the Office of Policy and Management (OPM), if their law enforcement agency provided ICE access and (2) OPM to ensure that the law enforcement agencies and school police or security departments receive appropriate training. (PA 19-23 requires municipalities to report to OPM every six months instead of monthly.)

It specifies that its provisions must not be construed to provide, expand, or ratify the legal authority of any law enforcement agency to detain an individual based on a civil immigration detainer request.

It also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2019

CIVIL IMMIGRATION DETAINER*Definition*

Prior law defined a civil immigration detainer as a notice that the Department of Homeland Security (DHS) or an

immigration officer issued to a law enforcement agency (1) informing the agency of DHS's intent to assume custody of a non-citizen in the agency's custody in order to arrest and remove him or her and (2) requesting that the agency advise DHS, before releasing the individual, in order for DHS to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible. Federal civil immigration detainer regulations limit detentions to 48 hours (8 C.F.R. § 287.7).

Under the act, a "civil immigration detainer" is a request from a federal immigration authority to a local or state law enforcement agency for purposes such as:

1. detaining an individual suspected of violating a federal immigration law or who has been issued a final order of removal;
2. facilitating the arrest of an individual by a federal immigration authority or transfer of an individual to the custody of a federal immigration authority;
3. providing notification of the release date and time of an individual in custody; and
4. notifying a law enforcement officer, through the use of certain government paperwork, of the federal immigration authority's intent to take custody of an individual.

Prohibited Actions under the Act

The act prohibits law enforcement officers (including bail commissioners and adult probation officers) and school police or security department employees from:

1. arresting or detaining an individual pursuant to a civil immigration detainer unless the detainer is accompanied by a warrant issued or signed by a judicial officer (i.e., any state or federal judge or federal magistrate judge, but not an immigration judge);
2. using time or resources to communicate with a federal immigration authority, including regarding the custody status or release of an individual targeted by a civil immigration detainer, except if the law enforcement agency notifies the affected individual, in writing, of its intent to comply with the detainer and the reason for doing so;
3. arresting or detaining an individual based on an administrative warrant (i.e., a non-judicial warrant, removal order, or similar document issued by a federal immigration enforcement agent);
4. giving a federal immigration authority access to interview an individual who is in a law enforcement agency's custody; or
5. performing any formal or informal function of a federal immigration authority.

(PA 19-23 allows an individual to be arrested and detained pursuant to a detainer without a judicial warrant if the individual (1) has been convicted of a class A or B felony or (2) is identified as a possible match in the federal Terrorist Screening Database or similar database. PA 19-23 continues to subject bail commissioners to the prohibitions, with the above exceptions, but no longer classifies them as law enforcement officers.)

The act does not prohibit law enforcement officers from (1) submitting an arrested individual's fingerprints to the Automated Fingerprints Identification System (AFIS) or (2) accessing an arrested individual's information from the National Crime Information Center (NCIC).

New Required Procedures

Under the act, upon receiving a civil immigration detainer, a law enforcement agency must provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the agency intends to comply with the detainer.

The act requires a law enforcement agency that provides ICE with notification that an individual is being, or will be, released on a certain date, to promptly provide to the individual and to the individual's attorney, or one other person the individual designates, a copy of the notification and the reason, in writing, that the agency is complying with the detainer. (PA 19-23 requires law enforcement to make a good faith attempt to contact the designated person if it does not contact the individual or his or her attorney.)

Under the act, before responding to a request for notification of an individual's release from the agency's custody, a law enforcement officer must first forward any such request to the head of the law enforcement agency. (PA 19-23 specifies that this requirement applies when the detained individual is suspected of violating a federal immigration law or has been issued a final order of removal.)

The act eliminates prior law's requirement that law enforcement officers, upon determining whether to detain or release someone, immediately notify ICE that the person will be held for up to 48 hours (excluding weekends and federal holidays).

Elimination of Prior Law's Consideration of Certain Risk Factors

The act's new procedure replaces prior law's requirement that law enforcement officers, in carrying out a civil immigration detainer regarding a person in their custody, not release the person if they determine that he or she:

1. has been convicted of a felony;
2. is subject to pending criminal charges in Connecticut where bond has not been posted;
3. has an outstanding arrest warrant in Connecticut;
4. is identified by the Department of Correction as a known gang member in the NCIC's database, or any similar database, or is designated as a Security Risk Group member or a Security Risk Group Safety Threat member;
5. is identified as a possible match in the federal Terrorist Screening Database or similar database;
6. is subject to a final deportation or removal order; or
7. presents an unacceptable risk to public safety.

DISCLOSURE OF CONFIDENTIAL INFORMATION

Under the act, confidential information of an individual who comes into contact with a law enforcement official may be disclosed to a federal immigration authority only if the disclosure is:

1. authorized in writing by the individual, or by the parent or guardian if the individual is a minor or not legally competent to consent to such disclosure;
2. needed for a criminal terrorism investigation; or
3. otherwise required by law.

Under the act, "confidential information" means any information a law enforcement agency obtains or maintains relating to:

1. an individual's sexual orientation or status as a domestic violence or sexual assault victim;
2. whether such individual is a crime witness or public assistance recipient; or
3. an individual's income tax or other financial records, including Social Security numbers.

(PA 19-23 specifies that the civil immigration detainer law must not be construed to require disclosure of any record that is exempt under FOIA.)

RECORDS RELATED TO ICE ACCESS DEEMED PUBLIC RECORDS

Under the act, all records relating to ICE access maintained by law enforcement agencies are deemed public records under FOIA. Records relating to ICE access include:

1. law enforcement agency data on the number and demographic data of individuals to whom the agency has provided ICE access,
2. the date ICE access was provided and the type of access,
3. the amount of resources expended on providing ICE access, and
4. any communication between the agency and any federal immigration authority.

Under the act, "ICE access" refers to any of the following actions by a law enforcement officer with respect to an individual who is stopped with or without the individual's consent, arrested, detained, or otherwise under the control of a law enforcement official or agency:

1. responding to a civil immigration detainer or notification request under the act concerning such individual;
2. providing notification to a federal immigration authority that the individual is being or will be released at a certain date and time through data sharing or otherwise;
3. providing a federal immigration authority nonpublicly available information about the individual regarding release times or dates or home or work addresses;
4. allowing a federal immigration authority to interview the individual under the law enforcement agency's control;
5. allowing a federal immigration authority to use a facility or resources in the law enforcement agency's control to conduct interviews, administrative proceedings, or other immigration enforcement activities concerning the individual; or
6. providing a federal immigration authority information regarding dates and times of probation or parole supervision or any other information related to the individual's compliance with the terms of probation or parole.

Under the act, "ICE access" does not include a law enforcement officer's (1) submission of an arrested individual's fingerprints to AFIS or (2) accessing an arrested individual's information from NCIC.

(PA 19-23 allows law enforcement officers (including adult probation officers), school police or security department employees, and bail commissioners, along with judicial branch intake, assessment, and referral specialists, to give a

federal immigration authority access to interview an individual in their custody if the individual:

1. has been convicted of a class A or B felony,
2. is identified as a possible match in the federal Terrorist Screening Database or similar database, or
3. is the subject of a U.S. district court order to comply with an immigration officer's subpoena.)

LAW ENFORCEMENT AGENCIES' MONTHLY REPORTING TO OPM

Under the act, the legislative body of any municipality with a law enforcement agency that provided ICE access to an individual during the prior month must, starting January 1, 2020, and monthly thereafter, provide to OPM:

1. data on the number and demographic characteristics of individuals to whom the agency provided ICE access,
2. the date ICE access was provided, and
3. whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

The data may be provided in statistical form or, if statistics are not maintained, as individual records with personally identifiable information redacted.

(PA 19-23 requires the municipalities, instead, to do this reporting every six months using data for the previous six months.)

TRAINING FOR LAW ENFORCEMENT AGENCIES AND SCHOOL POLICE OR SECURITY DEPARTMENTS

The act requires OPM to ensure that the act's requirements are disseminated to, and appropriate training is provided for, all affected law enforcement agencies and school police or security departments and their employees and agents.

Under the act, the training may include how law enforcement officers and other officials performing similar duties (1) will adhere to the act's provisions and (2) will interact with crime victims, criminal suspects, and individuals cooperating with law enforcement officers.

PA 19-23—SB 1115

Judiciary Committee

AN ACT CONCERNING AMENDMENTS TO THE TRUST ACT

SUMMARY: This act makes several changes to the state's civil immigration detainer law as amended by PA 19-20.

Among other things, PA 19-20 prohibits law enforcement officers (including bail commissioners and adult probation officers) and school police or security department employees from arresting or detaining someone pursuant to a civil immigration detainer unless it is accompanied by a judicial warrant.

This act:

1. additionally prohibits judicial branch intake, assessment, and referral specialists from taking such actions;
2. allows the officials subject to the prohibition to arrest or detain an individual pursuant to an immigration detainer without a judicial warrant if the individual (a) has been convicted of a class A or B felony or (b) is identified as a possible match in the federal Terrorist Screening Database or similar database;
3. allows such state and local officials to give a federal immigration authority access to interview an individual in custody under the circumstances described above in addition to when the individual is the subject of certain U.S. district court orders;
4. specifies that a law enforcement agency that provides Immigration and Customs Enforcement (ICE) with information on an individual's release, must make a good faith attempt to contact the person the detained individual has designated if the agency does not contact the detained individual or his or her attorney;
5. specifies that its disclosure-related provisions must not be construed to require disclosure of any record that is exempt under the Freedom of Information Act (FOIA);
6. requires municipalities to report specified information every six months, instead of monthly, to the Office of Policy and Management (OPM), if their law enforcement agency provided ICE access to an individual; and
7. makes other minor and conforming changes (e.g., no longer classifies bail commissioners as law enforcement officers, but continues to subject them to the detainer-related prohibitions).

EFFECTIVE DATE: October 1, 2019

CIVIL IMMIGRATION DETAINER

Risk Factors

PA 19-20 eliminates prior law's requirement that law enforcement officers not detain someone pursuant to a civil immigration detainer unless any of seven public safety and risk factors exist. These include when the individual (1) has any felony conviction or (2) is a match in certain databases, including a possible match in the federal Terrorist Screening Database. This act instead allows law enforcement officers (including adult probation officers); school police or security department employees; bail commissioners; and judicial branch intake, assessment, and referral specialists to arrest or detain an individual under such a detainer without a judicial warrant if the individual (1) has been convicted of a class A or B felony or (2) is identified as a possible match in the federal Terrorist Screening Database or similar database.

ICE Access to Interview an Individual in Custody

PA 19-20 prohibits law enforcement officers (including adult probation officers), school police or security department employees, and bail commissioners from giving a federal immigration authority access to interview an individual in their custody. This act allows them, along with judicial branch intake, assessment, and referral specialists, to give such access if the individual:

1. has been convicted of a class A or B felony,
2. is identified as a possible match in the federal Terrorist Screening Database or similar database, or
3. is the subject of a U.S. district court order to comply with an immigration officer's subpoena.

Release Notification

PA 19-20 requires a law enforcement agency that provides ICE with notification that an individual is being, or will be, released on a certain date, to promptly provide the individual and the individual's attorney, or one other person the individual designates, a copy of the notification. This act requires law enforcement to make a good faith attempt to contact the designated person.

Under PA 19-20, before responding to a request for notification of an individual's release from the agency's custody, a law enforcement officer must first forward any such request to the head of the law enforcement agency. This act specifies that this requirement only applies when the detained individual is suspected of violating a federal immigration law or has been issued a final order of removal.

RECORDS EXEMPT FROM DISCLOSURE UNDER FOIA

Under PA 19-20, all records law enforcement agencies maintain relating to ICE access are deemed public records under FOIA (e.g., any communication between the law enforcement agency and a federal immigration authority regarding dates and times of an individual's probation or parole). This act specifies that PA 19-20 must not be construed to require disclosure of any record that is exempt from disclosure under FOIA.

LAW ENFORCEMENT AGENCIES' REPORTING TO OPM

Under PA 19-20, the legislative body of any municipality with a law enforcement agency that provided ICE access to an individual during the prior month must, starting January 1, 2020, and monthly thereafter, provide to OPM:

1. data on the number and demographic characteristics of individuals to whom the agency provided ICE access,
2. the date ICE access was provided, and
3. whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

This act requires these municipalities to instead do this reporting every six months using data for the previous six months.

PA 19-27—sSB 58

Judiciary Committee

AN ACT CONCERNING GAY AND TRANSGENDER PANIC DEFENSE

SUMMARY: This act prohibits criminal defendants from claiming a defense based solely on their discovery or knowledge of, or the potential disclosure of, the victim’s actual or perceived sex, sexual orientation, or gender identity or expression. This includes situations in which the (1) victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant or (2) defendant and victim dated or had a romantic relationship.

Specifically, the act prohibits a defendant from asserting the following:

1. as an affirmative defense, that he or she lacked substantial capacity at the time of the conduct, due to mental disease or defect based solely on the above circumstances, to appreciate the wrongfulness of his or her conduct or to lawfully control that conduct;
2. as a defense, that he or she was justified in committing the alleged conduct due to provocation based solely on the above circumstances; or
3. justification for using force against another person based solely on the above circumstances.

EFFECTIVE DATE: October 1, 2019

PA 19-32—SB 839

Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act specifies that for municipalities where the legislative body is a town meeting or representative town meeting, the school board must consult with the board of selectmen, rather than the town’s legislative body, for specified purposes (§§ 4-6), such as jointly purchasing property, casualty, and workers’ compensation insurance.

The act also makes other minor and technical changes to various statutes.

EFFECTIVE DATE: October 1, 2019

PA 19-38—HB 5524

Judiciary Committee

AN ACT INCREASING THE PENALTIES FOR THE SALE OF FENTANYL

SUMMARY: This act expressly codifies the classification of fentanyl (a synthetic opioid analgesic) as a narcotic substance. The Department of Consumer Protection already classifies fentanyl as a narcotic substance by regulation (Conn. Agencies Reg., § 21a-243-8). By law, the penalties for certain illegal actions involving narcotics are higher than those for certain other non-narcotic controlled substances. These actions include illegally manufacturing, distributing, selling, and prescribing the substances (see BACKGROUND).

The act provides that a “narcotic substance” includes (1) fentanyl or (2) any salt, compound, derivative, or preparation of fentanyl, which is a controlled substance unless modified, and that (a) is similar to it in chemical structure or in physiological effect and (b) shows a similar potential for abuse. It also includes any salt, compound, isomer, derivative, or preparation of any substance that is chemically equivalent or identical to fentanyl. Under existing law and regulations, morphine-type drugs like opium, and cocaine or their derivatives, are classified as a narcotic.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Penalties

It is illegal to manufacture, distribute, sell, prescribe, dispense, compound, transport or possess with intent to sell or

dispense, offer, give, or administer to another any narcotic substance, except as otherwise authorized by law. The penalty for these actions depends on a number of factors, including the amount and type of drug, the offender's age, the buyer's age, where the act takes place, whether the offender is addicted to drugs, and whether the act was a first or repeat offense.

Several crimes involving drug sales or related actions have mandatory minimum prison terms, although a judge can depart from the mandatory minimum for some crimes under certain circumstances. The penalties are generally enhanced when the crimes occur within 1,500 feet of a school, licensed day care center, or public housing project (CGS § 21a-278a).

Individuals convicted of selling narcotics generally face longer prison sentences and greater fines than those convicted of selling non-narcotic controlled substances. For example, a person convicted for a first offense of selling narcotics may be sentenced to up to 15 years in prison, fined up to \$50,000, or both. In contrast, a person convicted for a first offense of selling non-narcotic controlled substances may be sentenced to up to seven years in prison, fined up to \$25,000, or both (CGS §§ 21a-277(a)(2), 21a-278(b)(2), and 21a-277(b)(2)).

Fentanyl

According to the federal Centers for Disease Control and Prevention, fentanyl is a synthetic opioid analgesic that alleviates pain without causing loss of consciousness. It depresses the central nervous system and respiratory functions and is estimated to be 80 times more potent than morphine and hundreds of times more potent than heroin.

PA 19-39—SB 965

Judiciary Committee

AN ACT CONFIRMING AND ADOPTING VOLUMES 1 TO 13, INCLUSIVE, OF THE GENERAL STATUTES, REVISED TO JANUARY 1, 2019

SUMMARY: This act formally adopts, ratifies, confirms, and enacts the General Statutes revised to January 1, 2019.
EFFECTIVE DATE: Upon passage

PA 19-40—SB 1083

Judiciary Committee

Appropriations Committee

AN ACT IMPROVING THE INTEGRITY OF THE CONNECTICUT BUSINESS REGISTRY

SUMMARY: This act makes various changes in laws that govern certain business entities operating in the state. It primarily makes changes related to information that these entities must provide the secretary of the state that is used in the Connecticut Business Registry she maintains.

Specifically, the act:

1. establishes new deadlines by which certain corporations must file their annual reports;
2. expands the information certain business entities must provide on each annual report to include, among other things, their North American Industry Classification System Code;
3. allows the secretary of the state to send default notices to specified business entities by regular mail instead of by registered or certified mail;
4. requires corporations or limited liability companies (LLCs) using a trade name to file the business name, identification number, and principal office address with the town clerk;
5. requires the secretary of the state to establish a trade name registry and collect trade name index information from town clerks; and
6. increases, from \$25 to \$50, the fee that an officer must leave with the secretary of the state when he or she serves process on the secretary on behalf of certain nonresident businesses being sued in the state.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2020, except the sections on trade names (§ 13) and service of process upon the secretary of the state (§§ 14 & 15) are effective July 1, 2019.

§§ 1 & 2 — CORPORATIONS' ANNUAL REPORT DEADLINE

Prior law required stock and nonstock domestic corporations, excluding banks, trust companies, insurance or surety companies, savings and loan associations, and public service companies, to file their first annual report within 30 days after their organizational meeting. The act instead requires such stock and nonstock corporations formed (1) before January 1, 2020, to file their first report within two years after filing their certificate of incorporation and (2) on or after that date, to file the annual report within 90 days after filing their certificates of incorporation.

The act also requires domestic corporations and foreign corporations authorized to transact business in the state to file subsequent annual reports electronically on the anniversary date of the filing of their first annual report. Under prior law, these entities were required to file the reports electronically at times provided in regulations the secretary of the state adopted.

§§ 1-6 — BUSINESS ENTITIES' ANNUAL REPORT CONTENT

The act expands the information certain business entities must provide on each annual report by requiring them to include:

1. the name and address of their registered or statutory agent (as applicable),
2. the entity's North American Industry Classification System Code, and
3. any additional information the secretary of state deems pertinent for determining the entities' principal purpose.

Under existing law, such entities must also report other information, such as the entity's name, office address, and email address.

The act applies to certain Connecticut and foreign corporations (stock and nonstock) and LLCs, limited partnerships (LPs), limited liability partnerships (LLPs), and foreign LLPs. It does not apply to certain entities that existing law exempts from the annual report filing requirements, such as banks, trust companies, insurance or surety companies, savings and loan associations, and public service companies.

§§ 7-12 — "IN DEFAULT" ENTITIES

By law, the secretary of the state may administratively dissolve business entities that are in default for failure to file their annual report (i.e., in default entities). Prior law allowed her to initiate such proceedings by mailing a notice of default to the entity by registered or certified mail. The act instead allows her to do so by regular, first class mail.

The act applies to Connecticut LLCs, Connecticut stock and nonstock corporations, Connecticut LPs, Connecticut LLPs, and foreign LLPs.

§ 13 — TRADE NAMES (SOLE PROPRIETORSHIPS)

Filing Trade Names with the Town Clerk

The law generally prohibits anyone from conducting or transacting business in the state under an assumed name unless they filed a certificate stating the business' trade name with the town clerk in the town in which the business is or will be conducted or transacted.

Prior law required a corporation or LLC using a trade name to file its full name and principal post-office address. The act instead requires the corporation or LLC to file the business name, business identification number, and principal office address as reflected on the secretary of the state's records.

Trade Name Registry

The act requires the secretary of the state to create an electronic system to collect from each town clerk the trade name index information required by law (described above). The act deems a town clerk compliant with the index information requirement if the secretary determines that the index information provided contains all active trade name records on file with such clerk.

§§ 14 & 15 — SERVICE OF PROCESS UPON THE SECRETARY OF THE STATE

By law, certain persons or entities doing business in the state are deemed to have appointed the secretary of the state as their agent for service of process in any civil action brought against such person or entity.

The act increases, from \$25 to \$50, the fee that the officer serving such process must leave with the secretary of the state, at the time of service. (By law, this fee is taxed in favor of the plaintiff in his or her costs if the plaintiff prevails in the civil action.)

Under the act, the fee increase applies to service of process in actions against a (1) nonresident individual, foreign partnership, or foreign voluntary association, or their executor or administrator over whom a court may exercise personal jurisdiction and (2) voluntary association that does business, acts, or carries out its operations or its functions within the state but its presiding officer, secretary, or treasurer are not state residents.

PA 19-41—sSB 1087

Judiciary Committee

**AN ACT CONCERNING SERVICE OF PROCESS ON OUT-OF-STATE FINANCIAL INSTITUTIONS,
LIMITED LIABILITY COMPANIES AND REGISTERED FOREIGN LIMITED LIABILITY COMPANIES**

SUMMARY: By law, a person who has a court judgment against someone may apply to the court clerk to have an execution served on a financial institution (e.g., a state or federal bank or credit union) for payment of the debt from the debtor's deposit account (see BACKGROUND). This act extends this option to include out-of-state financial institutions that lack a main or branch office in Connecticut yet conduct transactions online or by other electronic means. It provides that such institutions may only be served by certified mail, return receipt requested. Presumably, the creditor would have to comply with any applicable requirements in the other jurisdiction to enforce the judgment.

By law, limited liability companies (LLCs) and registered foreign (i.e., out-of-state) LLCs must designate a registered agent to receive legal process in Connecticut on their behalf. The act specifies that the agent may be served by anyone authorized by law to serve process, who must leave a true and attested copy with the agent or at the agent's usual Connecticut residence.

Under existing law, unchanged by the act, different requirements apply in certain situations (e.g., if the secretary of the state is appointed as a foreign LLC's agent or the agent cannot be served with reasonable diligence). Also, the law specifies that an LLC or foreign LLC may be served by other methods permitted by law.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Law on Execution Against Financial Institution Accounts

Under this law, the procedures differ in some respects depending on whether the debtor is a natural person or an entity. Among other things, the law generally provides that:

1. when a judgment debtor is a natural person, he or she has certain protections and exemptions from execution;
 2. serving officers may not serve the same execution on a second institution until receiving confirmation from the first institution that there are insufficient funds to satisfy the judgment;
 3. if another party has a security interest in an account that is also subject to an execution, the financial institution must notify the secured party, who can submit to the court a claim for a hearing to determine the relative interests;
 4. a similar hearing procedure applies if the debtor is a natural person who claims an exemption;
 5. if no claim for interest determination or exemption is made, the financial institution pays the serving officer, and the officer pays the sum, minus his or her fees, to the judgment creditor unless a court orders otherwise; and
 6. a financial institution that fails or refuses to pay the execution amount to the serving officer is liable in an action to the judgment creditor and the amount is applied to the amount due on the execution.
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PA 19-42—sSB 1088

Judiciary Committee

AN ACT CONCERNING PARTICIPATION BY A RESIDENT OF A NURSING HOME FACILITY OR RESIDENTIAL CARE HOME IN A RECEIVERSHIP PROCEEDING

SUMMARY: This act requires a court to allow (1) a resident of a nursing home or residential care home that is the subject of a receivership application or (2) the resident's legally liable relative, conservator, or guardian, to be heard at the hearing on the application without having to file as a party. Existing law allows the above-listed individuals to appear as a party to such proceedings.

By law, a court may appoint a receiver for a nursing home or residential care home if the home, among other things, is substantially unsafe or experiencing serious financial loss (CGS § 19a-543).

EFFECTIVE DATE: July 1, 2019

PA 19-47—sHB 7130

Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes various changes to the state's probate court operations laws. Principally, the act:

1. allows for electronic filing and delivery of probate court documents and requires the appeal period for electronically served decisions to be calculated from the date of transmission (§§ 1 & 10-15);
2. expands the circumstances under which the Department of Children and Families (DCF) commissioner must notify the probate court when she substantiates an abuse or neglect allegation (§ 2);
3. increases, from \$225 to \$250, the fee for filing motions, petitions, or applications in probate court for matters other than decedents' estates (§ 4);
4. removes the probate court's ability to, on its own motion, appoint a guardian for a minor who has no parent or guardian and instead only allows an adult relative, person with physical custody of the minor, or the minor's attorney to petition for a guardian appointment (§ 5);
5. eliminates the requirement that the guardian of an adult with intellectual disability (i.e., a plenary or limited guardian) receive personal service of a petition to remove his or her guardianship (§ 6);
6. alters certain notice requirements involving termination of parental rights proceedings, including requiring notice to minor children age 12 or older (§§ 7-9);
7. repeals a procedure by which a petitioner may freeze the assets of someone who is the subject of a conservatorship proceeding by filing a certified copy of the petition with a financial institution or recording the copy on the land records (CGS § 45a-653) (§ 17); and
8. makes minor, technical, and conforming changes (§ 3 and throughout).

EFFECTIVE DATE: Upon passage, except the provisions on (1) terminating parental rights, plenary or limited guardians, statutory parent appointments, and a technical change to probate court appeals are effective October 1, 2019; (2) probate court filing fees and freezing assets are effective July 1, 2019; and (3) child abuse or neglect investigations and petitions for guardianship appointments are effective January 1, 2020.

§§ 1 & 10-15 — ELECTRONIC FILING AND PROBATE COURT APPEALS

Electronic Filing

The act allows the probate court administrator to maintain an electronic filing (eFiling) system for filing, sending, receiving, and viewing probate court documents. The system must also enable users to pay associated court fees and expenses.

Under the act, the probate court or a party or attorney in a probate court matter can use the system to electronically serve (eServe) a filing, notice, or other document to a registered filer (i.e., someone registered to use the system) if the court has granted the filer's request for online access to the matter's records.

The act specifies that using the eFiling system satisfies the law's requirements on transmitting a filing, notice, or document by means other than personal service.

Probate Court Appeals

By law, individuals may appeal a probate court order, denial, or decree within a certain time period. The length of time permitted for an appeal varies based on the matter involved. Under prior law, the time period for an appeal was calculated from when the court sent the order, denial, or decree. Under the act, the appeal period is calculated from that date or the date on which the court transmitted the order, denial, or decree, whichever is later.

§ 2 — NOTICE TO PROBATE COURT OF CHILD ABUSE OR NEGLECT

The act requires the DCF commissioner to notify the probate court of her findings after investigating and substantiating a child abuse or neglect allegation against someone who lives with a probate court-appointed guardian of a minor child. The law already requires her to provide this notice if she investigates and substantiates an allegation of child abuse or neglect against a child's probate court-appointed guardian.

§ 5 — GUARDIAN APPOINTMENT FOR A MINOR

Prior law permitted a probate court to appoint a guardian or co-guardians for a minor under its jurisdiction who had no guardian or parent. The act instead allows the following individuals to petition the probate court for guardianship of the minor: an adult relative by blood or marriage, a person with actual physical custody of the minor when the petition is filed, or the minor's attorney.

Under the act, the petition must be filed in the probate court in the district where the minor lives, is domiciled, or is located when the petition is filed. The court must consider standards in existing law when making such appointments, such as the best interests of the minor and the ability of a prospective guardian to meet the minor's needs.

The act also requires the court to order that notice of a guardianship hearing be provided to 12-year-old minors who are the subject of these hearings, in addition to minors over age 12 as required under existing law.

For these purposes, a "minor" is (1) someone under age 18 or (2) an unmarried person under age 21 who (a) is dependent on a competent caregiver, (b) has consented to continuation of a guardianship after turning 18, and (c) files, or on whose behalf is filed, a petition for special immigrant juvenile status (SIJ) (see BACKGROUND).

§§ 7-9 — PARENTAL RIGHTS TERMINATION PROCEEDINGS

Notice Requirements

The act requires the probate court to provide notice of a termination of parental rights hearing to any child age 12 or older whose parent is the subject of the hearing. Under existing law, unchanged by the act, the court must also give notice, as applicable, to the child's parents or guardians, any other person the court deems appropriate, the DCF commissioner, and the attorney general.

By law, when a child is eligible for adoption and no statutory parent has been appointed, the court must hold a hearing to make an appointment upon petition from the child's guardian or a duly authorized officer of a child care facility or child-placing agency. The act requires the hearing notice to be sent to the child if he or she is age 12 or older and other interested parties by first class mail at least 10 days before the hearing. Under prior law, the notice was sent (1) to the child if he or she was age 13 or older and (2) by registered or certified mail or other method.

Court-Ordered Evaluations

By law, the court, during the hearing or at any time the termination petition is pending, may order an examination by a court-appointed physician, psychiatrist, or licensed clinical psychologist of the (1) child or (2) parent or custodian if his or her competency to care for the child is at issue.

Under the act, if the court orders the examination on its own motion, the petitioner, respondent, or requesting party must pay for the examination in a proportion that the court determines, and if a responsible party is indigent, then that party's share must be covered by the judicial department or probate court, as applicable.

By law, the court must order a hearing 90 days after ordering the examination or upon receiving the examination results, whichever occurs first. Prior law required the court to give reasonable notice of the hearing to all parties to the initial parental rights termination hearing, including the child if he or she was over age 14. The act eliminates this specific reference to a child over age 14.

Under prior law, the petitioner had to pay for the examination, but if another party moved for the examination, then

that party had to cover the cost. If neither was able to pay, then the judicial department or probate court, as applicable, covered the cost.

DCF Investigations and Reports

By law, the court may, and must in contested case hearings, ask DCF or a DCF-licensed child-placing agency to investigate and report on the child's physical, mental, and emotional status and other relevant factors to help it determine if terminating parental rights would be in the child's best interest.

Under the act, the report is admissible as evidence in the proceedings subject to the right of a party to require that the person who made the report appear as a witness and be subject to examination. Under prior law, only interested parties had this right, and the witness only had to appear if he or she was available.

BACKGROUND

Special Immigrant Juvenile (SIJ) Status

Existing law permits a party in a probate court case involving guardianship, parental rights, or adoption to petition the court to make certain findings that someone may use to apply to the U.S. Citizenship and Immigration Services for SIJ status (CGS § 45a-608n).

Under federal law, an immigrant child under age 21 may apply for SIJ status if he or she (1) was abused, neglected, or abandoned and (2) meets certain other criteria. If granted by the federal court, SIJ status allows the child to legally remain in the United States (8 U.S.C. § 1101(a)(27)(J)).

PA 19-53—sHB 7378

Judiciary Committee

AN ACT CONCERNING NEGLIGENT HOMICIDE WITH A MOTOR VEHICLE AND ILLEGAL RACING

SUMMARY: This act increases the maximum fine and prison sentence for causing someone else's death through the negligent operation of a motor vehicle, regardless of the type of vehicle. Under prior law, such negligent operation of a (1) non-commercial motor vehicle was punishable by a fine of up to \$1,000, up to six months in prison, or both and (2) commercial motor vehicle was punishable by a fine of up to \$2,500, up to six months in prison, or both. Under the act, such negligent operation of any motor vehicle is punishable by a fine of up to \$3,500, up to three years in prison, or both.

The act also increases the penalties for driving a motor vehicle on a public road for purposes of betting, racing, or making a speed record. Under prior law, a first offense was punishable by a fine of \$75 to \$600, up to one year in prison, or both; and any subsequent offense was punishable by a fine of \$100 to \$1,000, up to one year in prison, or both. The act:

1. raises the minimum fine to \$150 for a first offense and \$300 for any subsequent offense and
2. requires anyone convicted of such driving to attend an operator's retraining program.

By law, a person's driver's license is suspended if he or she fails to attend the operator's retraining program, and the suspension lasts until the person completes the program (Conn. Agencies Reg., § 14-111g-2(e)).

Additionally, the act makes conforming changes.

EFFECTIVE DATE: October 1, 2019

PA 19-59—sSB 880

Judiciary Committee

Appropriations Committee

AN ACT INCREASING FAIRNESS AND TRANSPARENCY IN THE CRIMINAL JUSTICE SYSTEM

SUMMARY: This act establishes new prosecutorial data collection and reporting requirements for various agencies. Among other things, the act requires the:

1. Division of Criminal Justice, in consultation with various state entities, to (a) collect disaggregated, case-level data on adult defendants and (b) starting by February 1, 2021, annually provide the data to the Office of Policy and Management (OPM);
2. Board of Pardons and Paroles, starting by January 1, 2021, to annually report to the OPM secretary, and make available online, specified parole-related case-level data including parole hearing outcomes and demographic information; and
3. OPM, starting by July 1, 2020, to (a) annually present prosecutorial data to the Criminal Justice Commission, (b) report such presentation to the Judiciary Committee, and (c) make the presentation available on its website.

The act requires OPM to include in any such presentation made on or after July 1, 2021, the case-level data it receives from the Division of Criminal Justice as described below.

It also requires the state's chief public defender, within available appropriations, to establish a pilot program to provide representation to individuals at parole revocation hearings. Starting by January 1, 2021, she must annually report to the OPM secretary specified information on cases served as part of the program during the prior calendar year. Under the act, the report must include aggregate information on (1) how many public defenders the pilot program funded, (2) how many preliminary hearings and final hearings the public defenders served, and (3) the outcomes.

Lastly, the act also requires the Criminal Justice Commission to (1) post notices of its meetings on the commission's website and (2) hold any meetings to appoint, reappoint, remove, or otherwise discipline the chief state's attorney, a deputy state's attorney, or a state's attorney, in the Legislative Office Building with an opportunity for public testimony.

EFFECTIVE DATE: July 1, 2019, except the provision on the Criminal Justice Commission's meetings is effective October 1, 2019.

CASE-LEVEL DATA OF ADULT DEFENDANTS

The act requires the Division of Criminal Justice, in consultation with the Judicial Branch, the Department of Correction (DOC), and the Criminal Justice Information System Governing Board, to (1) collect disaggregated, case-level data by docket number on defendants who are age 18 or older at the time of committing an alleged offense and (2) starting by February 1, 2021, annually provide the data collected for the previous calendar year to OPM.

The data must be collected under the following categories:

1. arrests, including data on citations, summonses, custody arrests, warrants, and on-site arrests;
2. arraignments of individuals in custody;
3. continuances;
4. diversionary programs, including data on (a) program applications, diversions, and participants' successful completions and failures and (b) people in diversion programs on the first of each month;
5. contact between victims and prosecutorial officials, including data on cases involving victims;
6. dispositions, including data on pending cases and cases disposed of;
7. nonjudicial sanctions, including data on (a) sanctions applied, successfully completed, and failed and (b) individuals on nonjudicial sanction status on the first day of each month;
8. plea agreements, including data on the total number of plea agreements, agreements involving probation or prison, other agreements, and prosecutor's last best offer;
9. cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted and rejected by the court per month, disposition by trial, disposition involving probation or prison, and other dispositions;
10. demographic data, including race, sex, ethnicity, and age;
11. court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may owe;
12. restitution amounts ordered at sentencing, including any amount (a) collected by the court and (b) paid to a victim; and
13. the zip code of the defendant's primary residence.

The act prohibits disclosing any collected information that personally identifies a victim.

BOARD OF PARDONS AND PAROLES REPORT

The act requires the Board of Pardons and Paroles, starting by January 1, 2021, to annually report to the OPM secretary, and make available on its website, the following information:

1. outcomes of preliminary hearings, including whether or not (a) there was probable cause for a parole violation and (b) the alleged violation was serious enough to warrant parole revocation;

2. the number of individuals (a) remanded to DOC's custody for criminal and technical violations and (b) held in custody beyond a preliminary hearing pending a final parole revocation hearing;
3. outcomes of final parole revocation hearings, including whether there was a recommendation to reinstate or revoke parole; and
4. case-level demographic data, including race, sex, ethnicity, and age.

PA 19-64—sSB 964

Judiciary Committee

AN ACT CONCERNING COURT OPERATIONS

SUMMARY: This act makes changes in various laws related to court operations and judicial employees. Among other things, it makes a number of changes in laws related to court reporters, monitors, and transcripts. For example, it eliminates a requirement that court reporters employ assistant court reporters, modifies the circumstances in which the state's attorney automatically receives copies of transcripts, and requires court proceedings to be digitally recorded (§§ 4–8 & 25).

The act also:

1. adds victim services advocates employed by the Judicial Department to the list of professionals whom the law designates as mandated reporters of child abuse and neglect (§ 1);
2. allows parties who have filed for divorce to subsequently file for a non-adversarial divorce without an additional filing fee if they satisfy certain eligibility criteria (§ 2);
3. requires the Division of Public Defender Services (DPDS) and the Judicial Department to share the cost of counsel appointed in certain juvenile court proceedings (§§ 3 & 11);
4. requires writs of error from Superior Court final judgments or actions to fall within the jurisdiction of the Appellate Court, rather than the Supreme Court as under prior law (§§ 9–10);
5. allows the court, following a criminal conviction, to order an abridged presentence investigation (PSI) in lieu of a full PSI (§ 12);
6. allows the Office of Victim Services or a victim compensation commissioner to order compensation for pecuniary losses to an injured victim, or the relatives or dependents of an injured or deceased victim, for attendance at juvenile proceedings and Board of Pardons and Parole hearings (§ 13);
7. (a) allows the Freedom of Information (FOI) Commission to apply for a penalty against a person who failed to pay a fine for filing a frivolous complaint in any Superior Court, rather than only the Hartford Superior Court and (b) moves appeals from certain commission decisions from the Hartford Judicial District to the New Britain Judicial District (§§ 14 & 22);
8. eliminates a provision that explicitly allows a family support magistrate appointed prior to January 1, 2017, and serving a three year term to continue to serve after his or her term expires until a successor is appointed or the legislature fails to approve his or her nomination (§ 15);
9. expands the number of courts where a medical malpractice claim automatically triggers a 90-day statute of limitations extension under certain circumstances (§ 16);
10. modifies the timeframe within which an individual may request a trial to appeal an arbitrator's decision, reflecting the arbitrator's ability to provide electronic notice of his or her decision (§ 23);
11. narrows the circumstances in which a person may appeal a Superior Court decision related to a municipal zoning board action by increasing, from two to three, the number of Appellate Court judges out of nine who must certify the issue for appeal (§ 24);
12. repeals a law that permits a legally taken deposition to be admissible and used by either party in an Appellate Court or tribunal proceeding where the evidence is competent (§ 26); and
13. makes minor, technical, and conforming changes, including changes to conform to the closure of the Litchfield Courthouse in August 2017 and the upcoming closure of the Bristol Courthouse in August 2019 (§§ 17-21 and throughout).

EFFECTIVE DATE: July 1, 2019, except provisions (1) pertaining to non-adversarial divorce, abridged PSIs, digital court proceeding recordings, FOI matters, statutes of limitations for certain civil claims, depositions, and appeals of planning and zoning decisions are effective October 1, 2019; (2) pertaining to writs of error are effective January 1, 2020; and (3) that make changes to conform to courthouse closures and other minor and technical changes are effective September 1, 2019.

§ 2 — NON-ADVERSARIAL DIVORCE PETITION

The act permits parties who have filed for divorce on the regular family court docket to file for a non-adversarial divorce if (1) the court has not yet entered a decree dissolving the marriage and (2) the parties satisfy the law's conditions for a non-adversarial divorce (e.g., the divorce is not contested, the marriage did not exceed nine years, and the couple does not have any children). Under these circumstances, parties filing for a non-adversarial divorce do not need to include a waiver of service of process with the filing or pay an additional filing fee for the petition. The latter filing supersedes the original one and the action may then continue as a non-adversarial proceeding.

§§ 3 & 11 — COST FOR PUBLIC DEFENDER SERVICES

Under the act, when the court appoints counsel in a juvenile court civil proceeding and orders the DPDS to provide the counsel, the Judicial Department and DPDS must share the cost (see BACKGROUND). DPDS was responsible for the cost under prior law.

Under the act, if the party for whom counsel is appointed is found able to pay part or all of the cost, the court must assess the costs against the party and order him or her to reimburse DPDS and the Judicial Department to the extent he or she is financially able to do so. Under prior law, the party had to reimburse just DPDS.

When the court appoints counsel in a juvenile court criminal proceeding and orders DPDS to provide the counsel, the act specifies that DPDS must incur the cost, and the court must order the party to reimburse the division to the extent that he or she is financially able to do so if the party is found able to pay part or all of the cost.

The act also makes a conforming change.

§§ 4-8, 11 & 25 — COURT REPORTERS, MONITORS, AND TRANSCRIPTS

The act makes various changes in the laws pertaining to court reporters and monitors and the transcripts they produce. Generally, the act eliminates certain requirements on fees, salary, and transcripts, and instead requires the chief court administrator to adopt policies and procedures related to court reporters.

For the act's purposes, transcripts are the official written record of part or all of a proceeding, including testimony and counsel's arguments, produced in the Superior, Appellate, or Supreme Court by an official court reporter or a court recording monitor the chief court administrator designates.

Court Reporter Responsibilities

The act permits, instead of requires, court reporters to attend court proceedings and make records of all proceedings in the court except small claims.

The act similarly permits court reporters to make records of counsels' arguments. Prior law required them to do so, but only at the request of a party.

Court Recording Monitors and Assistant Court Reporters

The act requires the judicial branch, instead of court reporters at the court's direction, to employ court recording monitors. As under prior law, recording monitors must be sworn to faithfully perform their duties before beginning their responsibilities.

The act also eliminates a requirement that the reporters employ assistant court reporters and makes conforming changes by eliminating references to assistant court reporters.

Court Reporter Assistance and Compensation

The act eliminates a (1) requirement that court reporters receive compensation for travel expenses and (2) provision that authorizes them to have clerical assistance in each judicial district as the judges determine necessary.

It also eliminates a requirement that the court clerk for the judicial district where an action is heard pay court reporters approved (1) compensation for attendance and (2) fees for copies a judge or state referee ordered, in the same manner as other court expenses.

Successors to Reporters

The act eliminates a requirement that the presiding court judge appoint a successor if the official court reporter dies, resigns, or is permanently unable to serve for any reason. It also eliminates a provision in prior law that authorized the judge to appoint a competent person to act during a reporter's temporary absence.

Reporter Exams and Salary Classification

The act also eliminates requirements that (1) a court reporter pass an entry level exam to be appointed a court reporter and (2) court reporter salaries be divided into two classes, for which the reporter must take an exam to determine class placement.

Transcripts for State's Attorney or Public Defender

Under prior law, whenever a state's attorney or public defender requested a transcript, the court reporter or monitor had to provide it and the cost had to be shared by the state's attorney and public defender.

Under the act, if the state's attorney or a public defender requests a transcript in a matter in which each is a party, the reporter or monitor must first inform the non-requesting party about the request. If that party also requests a copy of the transcript, both parties must share the transcript cost before the transcript is delivered to the requesting party. If a reporter or monitor receives a transcript request after the transcript is delivered to the original requester, the latter requester must pay the full transcript copy rate.

As under prior law, the reporter or monitor must provide the transcript in a form that may be photocopied.

Under prior law, the court reporter or monitor had to automatically furnish a transcript or portion of it to the state's attorney at no cost whenever a party of record requested a transcript of the proceedings. The act instead requires court reporters and monitors to inform the state's attorney whenever a party to a case in which the office has filed an appearance requests a transcript. If the request is made by a party, or by a party represented by counsel other than a public defender, the reporter or monitor must provide the state's attorney, upon request, with a copy of the transcript at no cost.

Records of Proceedings

The act requires court reporters and court monitors to use digital recording equipment, as approved by the chief justice, to record court proceedings. Prior law permitted reporters, assistant court reporters, stenographers, and assistant stenographers to use shorthand, a shorthand writing machine, or a mechanical or sound recording machine to make such records.

It also eliminates a requirement that all records of proceedings for a trial for any action be filed with the clerk's office within 30 days after the action was submitted.

§ 12 — ABRIDGED PRESENTENCE INVESTIGATION REPORT

Except for murder with special circumstances, existing law requires a probation officer to conduct a presentence investigation (PSI) for anyone convicted of a (1) felony for the first time in Connecticut or (2) family violence felony for which a prison sentence may be imposed. For any other criminal conviction, the court may order a PSI at its discretion.

The act permits the court to order an abridged PSI in place of a full one. The abridged PSI must contain:

1. the defendant's identifying information and criminal record;
2. information from the court record about the pending case;
3. the circumstances of the offense;
4. the complainant's or victim's attitude; and
5. any damages the victim suffered, including medical expenses or loss of earnings or property.

Abridged PSIs for a felony involving family violence must additionally include information about the defendant's (1) family background, (2) significant relationships or children, (3) mental health status, and (4) substance abuse history. For abridged PSIs for other crimes, this information may be included, as well as other information about the defendant's present condition and social history and any other information the court requires that is consistent with the act's provisions.

§§ 14 & 22 — COURTS WITH JURISDICTION OVER FOI-RELATED MATTERS

Under existing law, the FOI Commission may impose a penalty against a person who files a frivolous appeal with the commission without reasonable grounds and solely to harass the commission. The act requires any Superior Court, upon receiving an application from the commission, to issue an order requiring the person to pay the penalty if he or she has failed to do so. Under prior law, only the Hartford Superior Court was required to issue these orders.

Also, under existing law, the commission's executive director cannot schedule an FOI appeal without obtaining leave from the commission if she believes that the appeal (1) is beyond the commission's jurisdiction, (2) would perpetrate an injustice, and (3) would be an abuse of the commission's administrative process. If the commission refuses to grant such leave, the act permits the aggrieved party to apply to the New Britain Superior Court, instead of the Hartford Superior Court as under prior law, for an order requiring the commission to hear the appeal.

Additionally, the act permits the FOI Commission to apply to the New Britain Superior Court, instead of the Hartford Superior Court as under prior law, for a court order to require a person to comply with the commission's subpoena and testify before the commission regarding an alleged FOI violation.

§ 16 — STATUTE OF LIMITATIONS ON WRONGFUL DEATH AND PERSONAL INJURY CASES

Under the act, upon the petition of the clerk from any superior or federal district court, the court must grant an automatic 90-day extension of the statute of limitations on a medical malpractice claim involving personal injury or wrongful death in order to allow reasonable inquiry to determine whether there are grounds for a good faith belief that medical malpractice has occurred. Under prior law, the court was only required to grant this claim if the clerk was from the court where the claim would be filed.

§ 23 — APPEALS OF ARBITRATION DECISIONS

By law, a party to arbitration may appeal the arbitrator's decision by requesting a trial in Superior Court. Under prior law, the party had to file the request with the court clerk within 20 days after the postmark on the arbitrator's mailed decision. The act instead allows the party to file the request by that date or within 20 days after the arbitrator sends his or her decision electronically to the parties or their counsel, whichever is later. The act also requires the request to include a certification that a copy of the arbitrator's decision was served on each party or counsel of record, instead of only on each counsel of record as under prior law.

§ 24 — APPEALS OF PLANNING AND ZONING DECISIONS

Under existing law, a person aggrieved by a municipal planning or zoning board or commission decision may appeal that decision to the Superior Court. The court, following a hearing, may reverse or affirm that decision and, in certain limited circumstances, may reassess any damages or benefits. Prior law allowed the person to appeal the Superior Court's decision on the matter to the Appellate Court if two Appellate Court judges certified the matter for review. The act instead requires certification by three Appellate Court judges in order for the Appellate Court to hear the matter.

BACKGROUND

Court-Appointed Counsel in Juvenile Matters

Under existing law, the judge in any juvenile matter must provide an attorney to represent the child or youth, his or her parents or guardian, or another person with control of the child or youth, even without a request to do so, if the judge determines that the interests of justice so require. If a child's custody is at issue, the judge must provide an attorney to represent the child. Additionally, the court may appoint or authorize an attorney to represent a child or youth, parent, guardian, or other person on appeal from a juvenile matters decision (CGS § 46b-136).

The law also requires the court to appoint an attorney for a child in juvenile delinquency proceedings if the child's parents or guardian cannot afford one (CGS § 46b-129).

PA 19-65—sSB 138
Judiciary Committee

AN ACT MODERNIZING THE STATE'S COOPERATIVE ASSOCIATION STATUTES

SUMMARY: This act makes various changes in the laws governing cooperative associations (“co-ops”). Principally, it does the following:

1. reduces the minimum number of individuals needed to organize a co-op from seven to three (§ 1);
2. increases the maximum amount of capital stock a co-op may fix by its articles of association from \$5 million to \$50 million par value (§ 4);
3. reduces the minimum number of co-op board members and increases their maximum term limits, starting October 1, 2019 (§§ 3, 5 & 6);
4. eliminates a provision in prior law that made co-op members jointly and severally liable for all existing debts if the board failed to file an annual report with the secretary of the state (SOTS) or filed a false report (§ 7);
5. allows more discretion for distributing profits to shareholders (§ 8); and
6. makes minor, technical, and conforming changes (§ 2 and throughout).

EFFECTIVE DATE: October 1, 2019, except the board membership provisions take effect upon passage.

§ 1 — CO-OP ORGANIZATION

The act reduces the minimum number of adult Connecticut residents needed to organize a co-op for trade or carrying on a lawful mercantile, mechanical, manufacturing, or agricultural business in Connecticut from seven to three. As under existing law, they must also pay a franchise tax and get approval of their articles of association from SOTS in order to become a co-op. In doing so, they enjoy all the powers and privileges; and are subject to all the duties, restrictions, and liabilities, of a corporation.

§§ 3, 5 & 6 — CO-OP BOARDS

Starting October 1, 2019, the act reduces the minimum number of members on a co-op’s board from seven managers who are members to three directors who are members. It also refers to them as boards of “directors” rather than “managers.”

Under the act, the terms of all board members who are serving on June 26, 2019, must expire on September 30, 2019. As is the case for managers under existing law, the directors must be elected annually by the member shareholders and hold office until a successor is elected. The board may be divided into up to three classes when the bylaws so prescribe, one of which is elected annually. The act extends the maximum term for each class from three to six years.

As of October 1, 2019, the act also eliminates a requirement that the co-op have the other officers appointed as its bylaws prescribe, and instead allows the co-op to adopt bylaws (1) about the appointment of other officers and (2) to implement these provisions.

§ 7 — REPORTING REQUIREMENT

By law, co-op boards must annually report various information to SOTS, including the amount of capital stock and the number of shares issued for the prior year (CGS § 33-188). The act repeals a law that made members jointly and severally liable for all existing debts if the board failed to make the report or filed a false report. As under prior law, in such circumstances, the co-op must pay SOTS \$50 for each such failure.

§ 8 — SHAREHOLDER PROFITS

The act allows more discretion about the timing of profit distribution to shareholders. Under prior law, profits or earnings could not be distributed to shareholders until 10% of the net profits were appropriated for a contingent or sinking fund and a sum equal to 20% of the capital stock had accumulated in the fund. The act removes these limitations and instead allows the by-laws to:

1. prescribe when the co-op’s profits or surplus may be distributed to its shareholders and
2. allow the co-op’s board to declare that up to 40% of the net profits or surplus be appropriated for a contingent or sinking fund, an unallocated reserve fund, or a collective account.

PA 19-80—sSB 1110
Judiciary Committee

AN ACT CONCERNING ACCESS TO MEDICAL RECORDS IN THE POSSESSION OF THE COMMISSIONER OF CORRECTION

SUMMARY: This act allows an inmate, his or her legal representative, or the legal representative of an inmate's estate, who makes a written request for documents to the Department of Correction (DOC) to receive such documents under certain circumstances. The act applies to requests for documents in DOC's possession that relate to injuries an inmate suffers while incarcerated that result in his or her death or permanent disability.

The act requires the department to ensure that the documents are provided within 60 days after receiving the written request unless the disclosure (1) could pose a safety and security risk, (2) violates a common law privilege (i.e., one derived from custom and judicial precedent rather than statutes), or (3) is prohibited by state or federal law. Existing law exempts certain DOC documents from disclosure under the Freedom of Information Act (FOIA) if the commissioner has reasonable grounds to believe that disclosure may result in a safety risk (CGS §§ 1-210(b)(18) & 1-210(c)) (see BACKGROUND).

Under the act, if an inmate dies or becomes incapacitated due to an injury suffered while incarcerated, the department must notify the inmate's designated next of kin of the death or incapacitation unless doing so is inconsistent with the inmate's prior expressed preference communicated to the department. The act also requires DOC to:

1. post on its website, and in all of its medical units, notice informing inmates that they are required to sign a release if they wish to give their family or emergency contacts access to their medical information;
2. develop a frequently asked questions (FAQ) document that details the steps for investigating an inmate fatality or permanent injury and includes all relevant forms and contact information; and
3. post the release form and FAQ document on its website and make them available, upon request, in all of the department's medical units.

The department must adopt implementing regulations for the act's document disclosure and next of kin notification requirements, which must include (1) a dispute resolution process concerning DOC's production of documents under the act; (2) the circumstances under which the deadline for document production may be extended beyond 60 days; and (3) the fees, if any, that DOC may impose when complying with a request for documents. (By law, FOIA sets fee parameters (CGS § 1-212.)

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Disclosure Under FOIA

Existing law provides that FOIA must not be construed to require disclosure of, among other things, records that the DOC commissioner has reasonable grounds to believe may result in a safety risk if disclosed, such as security and training manuals, internal security audits, staff meeting minutes or recordings, documents with information on inmates or staff movements or assignments, and records with information on contacts between inmates and law enforcement officers (CGS § 1-210(b)(18)).

Disclosure Request

By law, when a public agency receives a FOIA request from anyone confined in a correctional institution or facility for disclosure of a public record, the agency must promptly notify the DOC commissioner of the request before complying with the request as required by FOIA. Under the law, if the commissioner believes the requested record is exempt from disclosure as described above, the commissioner may withhold it (CGS § 1-210(c)).

PA 19-84—sSB 831

Judiciary Committee

AN ACT CONCERNING MINOR REVISIONS TO SPECIAL PAROLE AND PAROLE DISCHARGE STATUTES

SUMMARY: This act requires the Judicial Branch’s Office of Victim Services (OVS) to notify certain crime victims that the Board of Pardons and Paroles intends to consider ending a person’s special parole period. It allows the victims to submit a statement to the board about whether the special parole should end. Under the act, OVS’s notification responsibility applies to victims registered with it or the Department of Correction’s (DOC) Victim Services Unit. “Victims” include the crime victim, his or her legal representative, or a deceased victim’s designee or immediate family member.

The act also establishes a board panel and review process for special parole that is separate and distinct from the regular parole review process (see **BACKGROUND**).

Lastly, the act makes minor, technical, and conforming changes, including (1) providing that the board has independent decision-making authority to release someone on parole or eligible for parole or end someone’s special parole; (2) eliminating a requirement that a parolee’s or inmate’s discharge certificate be signed by the board’s chairman and the DOC commissioner; and (3) updating language in the discharge statutes to replace the term “convict” with “person on parole.”

EFFECTIVE DATE: Upon passage, except the victim notification provision is effective October 1, 2019.

BOARD OF PARDONS AND PAROLES

Review Panel Composition

Existing law, unchanged by the act, sets the composition of each parole release panel at three members, one of whom must serve as the chairperson or designate a full time member to temporarily serve in that role. The act explicitly sets these requirements for the composition of panels that (1) discharge people on parole from DOC custody or (2) end a person’s period of special parole.

The act also eliminates a requirement that at least three board members are present at each parole release hearing.

Conditions

By law, the board review panel can declare a parolee or inmate who is eligible for parole or special parole to be discharged from DOC custody if the panel believes that the person will lead an orderly life. The panel must make the decision by a unanimous vote of all members present at a regular panel meeting. The act specifies that the decision to end a period of special parole can occur at any time during the special parole period (i.e., before the person completes the period).

Certificate

By law, when a parolee or inmate is declared discharged from DOC custody, the review panel’s chairperson must issue a certificate under the board’s seal to that effect. The act eliminates a requirement that the certificate must also be signed by the board’s chairperson and the DOC commissioner.

BACKGROUND

Parole

“Parole” is a decision by the board to release an inmate from prison prior to completing his or her maximum prison sentence. The offender then serves the remainder of the sentence under parole supervision.

Special Parole

“Special parole” is part of the sentence that a judge can impose when someone is convicted of a crime. It is a period of parole supervision after an offender completes his or her maximum prison sentence, generally, between one and 10

years. However, the court can impose a period of more than 10 years on certain offenders (e.g., persistent, dangerous felony offenders) (CGS § 54-125e).

PA 19-85—sSB 833

Judiciary Committee

AN ACT CONCERNING VALIDATION OF CONVEYANCE DEFECTS ASSOCIATED WITH AN INSTRUMENT THAT WAS EXECUTED PURSUANT TO A POWER OF ATTORNEY

SUMMARY: This act generally validates documents that convey, lease, mortgage, or affect a real estate interest recorded after January 1, 1997, that are executed pursuant to a power of attorney who is not recorded on the town's land records. These documents include deeds, mortgages, leases, powers of attorney, releases, assignments, and other instruments.

The act does not validate a document with this defect if:

1. a legal proceeding to avoid and set aside the document has begun and a notice of *lis pendens* has been recorded on the town's land records within 15 years after the challenged document is recorded or
2. the document fails to state consideration reflecting fair market value.

The act's provisions do not apply to any conveyance where the document is executed by a fiduciary who is the grantee, mortgagee, lessee, releasee, or assignee designated in the document.

EFFECTIVE DATE: October 1, 2019

PA 19-93—SB 1111

Judiciary Committee

AN ACT CONCERNING SEXUAL HARASSMENT AND SEXUAL ASSAULT

SUMMARY: PA 19-16 made various changes to laws on sexual harassment, sexual assault, discrimination complaints filed with the Commission on Human Rights and Opportunities (CHRO), and related matters.

This act makes various changes to PA 19-16, such as:

1. placing limits on when CHRO-designated representatives can enter businesses to ensure compliance with specified laws;
2. reducing certain fine increases;
3. allowing, rather than requiring, CHRO presiding officers to order specified relief after finding a discriminatory employment practice, and requiring CHRO to annually report on related matters; and
4. adding provisions on magistrates presiding over CHRO hearings in certain situations.

The act also makes related technical and conforming changes.

EFFECTIVE DATE: October 1, 2019, except a provision on the civil statute of limitations task force membership (§ 7) is effective upon passage.

SEXUAL HARASSMENT AND RELATED LAWS

The table below provides an overview of this act's changes to PA 19-16. The provision on magistrates (§ 4) is explained in more detail below the table.

Section numbers in the table refer to this act.

Overview of This Act's Changes

PA 19-16's Changes to Prior Law	This Act's Changes to PA 19-16
"Discriminatory Practice" Definition in CHRO Statutes (§ 1)	
<p>Expands definition to include violations of requirements for employers to:</p> <ul style="list-style-type: none"> • post in a prominent location information on the illegality of sexual harassment and available remedies, • provide copies of related information to employees, and • provide related training to employees. 	<p>Retains within the definition violations of the training requirement, but removes from the definition violations of the requirements to post information and provide copies to employees.</p>
CHRO Civil Actions in the Public Interest (§ 2)	
<p>Allows CHRO to bring a civil action, instead of an administrative hearing, under certain circumstances and requires the court to grant CHRO its fees and costs and award a civil penalty of up to \$10,000 when it finds that the respondent committed a discriminatory practice.</p>	<p>Requires the court to grant attorney's fees and costs and award this civil penalty only when a discriminatory practice has been established by clear and convincing evidence.</p>
Document Inspection (§ 3)	
<p>Specifies that CHRO and each party to a CHRO administrative hearing must have the opportunity to inspect and copy relevant and material records, papers, and documents not in their possession unless another state or federal law prohibits it.</p>	<p>Removes reference to federal law for this purpose.</p>
Magistrates Presiding over CHRO Hearings (§ 4)	
<p>N/A</p>	<p>Adds a provision allowing the chief human rights referee, under certain conditions, to appoint an available magistrate to preside over a CHRO proceeding if there is a backlog of more than 100 cases pending public hearings (see below).</p>
Maximum Fines for Certain Violations (§ 5)	
<p>Increases, from \$250 to \$1,000, the maximum fine for certain individuals or entities who fail to post specified notices as CHRO requires.</p> <p>Sets a \$1,000 maximum fine for employers who fail to provide training on sexual harassment laws and remedies as CHRO requires.</p>	<p>Reduces the maximum fine to \$750 for any such violations.</p>
Designated CHRO Representatives Entering Places of Business (§ 5)	
<p>Allows the CHRO executive director to assign a designated representative to enter an employer's business location, during normal business hours, to:</p> <ul style="list-style-type: none"> • ensure compliance with certain notice posting requirements, including on sexual harassment laws; and • examine the employer's records, policies, postings, and sexual harassment training materials related to these posting and sexual harassment training requirements. <p>The designated representative must not unduly disrupt the employer's business operations.</p>	<p>Limits these provisions to:</p> <ul style="list-style-type: none"> • the 12-month period after an employee filed a complaint against the employer or • when the CHRO executive director reasonably believes that the employer has violated these posting or training requirements. <p>Prohibits the designated representative from entering without the homeowner's express permission if the business location is a residential home.</p>

Overview of This Act's Changes (continued)

<i>PA 19-16's Changes to Prior Law</i>	<i>This Act's Changes to PA 19-16</i>
<i>Remedies for Discriminatory Employment Practices (§ 6)</i>	
Requires CHRO presiding officers, after a finding of a discriminatory employment practice, to: <ul style="list-style-type: none"> determine the amount of damages, including the complainant's actual costs due to the discrimination and allow reasonable attorney's fees and costs. 	Allows, rather than requires, CHRO presiding officers to make these determinations and issue these orders. <p>Requires the CHRO executive director, starting by October 1, 2020, to annually report to the Judiciary Committee on CHRO's awarding of reasonable attorney's fees and costs under these provisions. The report must include:</p> <ul style="list-style-type: none"> the awards of reasonable attorney's fees and how they compare to damages awards; the complaint category for which damages and attorney's fees are awarded; CHRO's method used to calculate attorney's fees and costs, if ascertainable; the number of employees for respondents subject to awards of attorney's fees and costs; and the percentage of complainants and respondents represented by counsel in matters in which reasonable attorney's fees and costs were awarded.
<i>Civil Statute of Limitations Task Force (§ 7)</i>	
Establishes a nine-member task force to study whether the existing statutes of limitations for personal injury to minors and adults caused by sexual abuse, exploitation, or assault should be amended.	Requires the House speaker's appointee to be an attorney who has represented multiple plaintiffs in civil lawsuits concerning sexual abuse, exploitation, or assault. <p>Reduces total membership from nine to eight by removing the Connecticut Trial Lawyers Association executive director or the director's designee.</p>
<i>Corrective Action in Response to Sexual Harassment Claim (§ 8)</i>	
Prohibits employers, when taking immediate corrective action in response to an employee's sexual harassment claim, from modifying the claimant's conditions of employment unless the claimant agrees in writing.	Allows CHRO, even if the employer did not obtain the claimant's written consent, to find that the employer's corrective action was reasonable and not harmful to the claimant, based on evidence the parties presented.
<i>Sexual Assault of Mentally Incapacitated or Impaired Person (§§ 9 & 10)</i>	
Increases the penalty, from 4 th to 3 rd degree sexual assault, for subjecting someone to sexual contact if the victim is mentally incapacitated to the extent that he or she cannot consent to the contact.	Similarly increases the penalty, from 4 th to 3 rd degree sexual assault, for subjecting someone to sexual contact if the victim is mentally impaired to the extent that he or she cannot consent. <p>Specifies that the increased penalty applies to contact with someone incapacitated or impaired due to mental disability or disease (consistent with the underlying law).</p>

§ 4 — MAGISTRATES PRESIDING OVER CHRO HEARINGS

Under existing law, the chief human rights referee must appoint human rights referees to preside over CHRO

hearings. She must also appoint another referee or a volunteer attorney to conduct settlement negotiations.

The act creates a process for magistrates to also preside over CHRO hearings under certain circumstances. It allows the chief human rights referee to request such an appointment when there are more than 100 CHRO complaints pending public hearings. The CHRO executive director can approve the request if she determines the appointment would be within available appropriations.

If approved, the chief human rights referee must select the magistrate from the chief court administrator's list of available magistrates. Any such magistrate has the same powers and duties as a human rights referee appointed under law and must be compensated at the rate set by existing law (i.e., \$200 per day), from CHRO funds as available.

The act allows magistrates to be appointed as presiding officers for proceedings on the following matters:

1. discriminatory practice complaints (CGS § 46a-84);
2. determining remedies following a default order against a respondent (CGS § 46a-83(l));
3. complaints brought by CHRO against a contractor or subcontractor for noncompliance with nondiscrimination laws or required contract provisions (e.g., affirmative action requirements) (CGS § 46a-56(c));
4. complaints brought by CHRO against a contractor, subcontractor, service provider, or supplier for fraud related to qualifying as a minority business enterprise in relation to certain state, municipal, and quasi-public agency contracts (CGS § 46a-56(d)); or
5. whistleblower complaints for alleged or threatened retaliation against employees of state or quasi-public agencies, large state contractors, or appointing authorities (CGS § 4-61dd(e)).

PA 19-94—sSB 857

Judiciary Committee

AN ACT CONCERNING EXPEDITED APPROVAL OF AFFIRMATIVE ACTION PLANS SUBMITTED BY CONTRACTORS TO THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

SUMMARY: By law, the successful bidder for certain large state, municipal, or quasi-public agency contracts must file with and obtain the Commission on Human Rights and Opportunities' (CHRO) approval for an affirmative action plan before the contract is awarded. A contractor who is not subject to this requirement still must file an affirmative action plan with CHRO if the contractor (1) has 50 or more employees and (2) is awarded such a contract for more than \$50,000 (hereafter, "other contractors").

This act requires the CHRO executive director or her designee to review and approve, conditionally approve, or disapprove affirmative action plans submitted by other contractors within 120 days after their submission. If she or her designee fails to do so, the act deems the plans approved or deficient without consequence and requires her or her designee, within 15 days, to provide the contractor written notice of that determination.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2019

PA 19-110—sSB 504

Judiciary Committee

AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND CONCERNING DETENTION OF JUVENILES

SUMMARY: This act allows a child charged with certain delinquency offenses involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense. If the child successfully completes the services and complies with any other conditions the court sets, the court may dismiss the suspended delinquency charges.

The court may grant the request if, after considering the information before it, it finds (1) the child is likely to benefit from supervision and participation in the recommended services and (2) the suspension advances the interests of justice.

A child is ineligible for this opportunity if he or she (1) was previously granted a suspended prosecution under the act or (2) is charged with a serious juvenile offense (see BACKGROUND).

The act also requires the judicial branch to:

1. collect and annually examine data relating to the suspended delinquency proceedings under the act;
2. separate the data by the children's demographics, offense characteristics, and treatment and service outcomes; and
3. report the data upon request.

Additionally, the act specifies circumstances in which the juvenile court may make a determination that the level of risk a detained child accused of an alleged crime poses to public safety if released to the community cannot be managed in a less restrictive setting.

EFFECTIVE DATE: October 1, 2019, except the provision on determining when a child poses a public safety risk is effective July 1, 2019.

DEFINITIONS

For the act's purposes, a "child" is a person who:

1. is at least age seven at the time of the alleged delinquent act and is either (a) under age 18 and has not been legally emancipated or (b) age 18 or older and committed the delinquent act before turning 18 or
2. is age 18 or older and (a) violates a court order or condition of probation the court ordered related to a delinquency proceeding or (b) willfully fails to appear in juvenile court in response to a summons or for another delinquency hearing for which he or she received notice.

A "delinquency offense involving a motor vehicle" includes:

1. operating or using a vehicle, or causing the vehicle to be used or operated, without the owner's consent;
2. 1st or 2nd degree criminal trover (i.e., wrongful taking that results in damages) when it involves a motor vehicle; and
3. 1st, 2nd, or 3rd degree larceny of a motor vehicle, depending on the car's value.

SUSPENSION FOR TREATMENT

Motion for Suspension

A child who wishes to request a suspension of delinquency proceedings under the act must file a motion with the court within 10 days after entering a plea, unless this deadline is waived by the court or pursuant to an agreement by the parties.

The court, upon the child's motion, may suspend the delinquency proceedings for up to six months and order the child to participate in services to address any condition or behavior directly related to the alleged motor vehicle offense. The child must be supervised during the suspension by a juvenile probation officer who must monitor the child's compliance with court orders.

If the court denies the motion to suspend the delinquency proceedings, the prosecutor may proceed with the case. A court order granting or denying the suspension is, generally, not subject to appeal.

Assessment for Supervision and Services

As a condition of eligibility for the suspension, the child must agree to (1) cooperate with an assessment to determine if he or she would benefit from supervision and services, (2) participate in and satisfactorily complete the recommended services, and (3) comply with any court orders.

The court's use of the assessment results is limited to determining the appropriate services and whether the delinquency proceedings should be suspended.

Costs for Treatment and Services

The child's parent or guardian must pay any out-of-pocket costs for the treatment or other services unless the court waives them upon finding that the parent or guardian is indigent.

Probation Notice and Report to Court

Under the act, at any time during the suspension, but no later than one month before it ends, a juvenile probation officer must:

1. notify the court of the impending conclusion and
2. submit a report on whether the child completed the treatment or other services and complied with the other court-ordered suspension conditions and, if not, whether the suspension should be extended to allow additional time for the child to do so.

Dismissal of Charges

If the court, on the child's or its own motion, finds that the child successfully completed the treatment or other services and complied with the other suspension order conditions, it may dismiss the suspended delinquency charges.

Extension or Termination of Suspension

The court may extend the suspension for up to six additional months if it finds that the child has not completed the treatment or other services, has not complied with all other suspension conditions, and additional time is needed to complete the treatment or other services.

If it denies the motion and terminates the suspension, the prosecutor may proceed with the case.

DETENTION FOLLOWING AN ARREST

Under existing law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the level of risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting. The act specifies that a court may make such a determination for these purposes if the child:

1. has previously been adjudicated delinquent for, or convicted of, or pled guilty or nolo contendere to, two or more felony offenses;
2. has had two or more prior probation dispositions; and
3. is charged with committing 1st, 2nd, or 3rd degree larceny involving a motor vehicle.

As under existing law, in order to detain a child on this basis the court must also find that there is probable cause to believe that the child committed the alleged acts.

BACKGROUND

Serious Juvenile Offense

By law, serious juvenile offenses include, among other things, murder with special circumstances, arson murder, most class A felonies, many class B felonies, and running away without just cause from a secure residential facility in which the court has placed the child after adjudicating him or her delinquent (CGS § 46b-120(8)).

PA 19-131—sSB 1098

Judiciary Committee

AN ACT CONCERNING THE TESTIMONY OF JAILHOUSE WITNESSES

SUMMARY: This act allows a criminal defendant, by filing a written request with the court, to ask the prosecutor if he or she intends to introduce the testimony of a jailhouse witness in the prosecution.

Under the act, the prosecutor must respond promptly but no later than 45 days after the defendant files the motion. If the prosecutor plans to introduce such testimony, he or she must provide certain specified information and materials related to the witness's testimony within that period. The prosecutor may request, and the court may grant, an extension under certain circumstances. If the court finds that the requested disclosure may result in possible bodily harm to the witness, the court may order that the information and materials be viewed only by defense counsel, and not by the defendant or other parties.

The act also requires the court, upon the motion of a defendant facing prosecution for murder or certain other serious felony offenses, to conduct a hearing to decide whether a jailhouse witness's testimony is reliable and admissible. The act specifies the information and materials the court must consider when determining the witness's reliability. (PA 19-132)

modifies the definition of jailhouse witness and makes other changes to this act.)

Additionally, the act requires each state's attorney's office to track certain information related to its use of jailhouse witnesses and send the information to the Office of Policy and Management's (OPM) Criminal Justice Policy and Planning Division, which must maintain a statewide record of the materials. The information is confidential and not subject to disclosure under the Freedom of Information Act.

EFFECTIVE DATE: October 1, 2019

JAILHOUSE WITNESS DISCLOSURE

Definition

Under the act, a "jailhouse witness" is a person who is incarcerated when he or she offers to provide testimony concerning statements a defendant or suspected perpetrator made. (PA 19-132, § 6, modifies the definition to instead include (1) a person who offers or provides testimony about statements another inmate made to him or her while they were both incarcerated or (2) an inmate who offers or provides testimony about statements made to him or her by a person suspected of, or charged with, committing a crime.)

Information and Materials

Under the act, if a prosecutor plans to introduce testimony from a jailhouse witness, he or she must provide the defendant the following information and materials in response to the defendant's written request:

1. the witness's complete criminal history, including any charges that are pending or were reduced or dismissed as part of a plea bargain;
2. the witness's cooperation agreement with the prosecutor and any benefit the prosecutor provided, offered, or may offer the witness in the future;
3. the substance, time, and place of any statement the (a) defendant allegedly gave the witness and (b) witness gave implicating the defendant in an offense for which the defendant was indicted;
4. whether the witness recanted, at any time, any testimony subject to the disclosure and, if so, the time, place, and nature of the recantation and name of anyone present when the witness recanted; and
5. information about any other criminal prosecution in which the witness testified or offered to testify against a suspected perpetrator or defendant with whom the witness was imprisoned or otherwise confined, including any cooperation agreement with a prosecutor or any benefit the prosecutor provided or offered the witness.

Benefits

The act defines "benefit" as a plea bargain, bail consideration, sentence modification or reduction, or any other leniency, immunity, financial payment, reward, or amelioration of current or future incarceration conditions offered or provided in connection with, or in exchange for, testimony that a jailhouse witness offers or provides.

Extension to Gather Information and Materials

The act permits the prosecutor to move for an extension of time to make the required disclosure; the court may grant the extension if it finds that the (1) prosecutor did not know about the witness when the defendant filed the request and (2) information the prosecutor must disclose could not be disclosed by exercising due diligence within the required period. The court may grant a reasonable extension upon good cause shown or allow the requested extension on its own motion.

HEARING ON WITNESS RELIABILITY

The act also requires the court to conduct a hearing to decide whether a jailhouse witness's testimony is reliable and admissible upon the motion of a defendant facing prosecution for one of the following offenses:

1. murder (CGS § 53a-54a),
2. murder with special circumstances (CGS § 53a-54b),
3. felony murder (CGS § 53a-54c),
4. arson murder (CGS § 53a-54d),
5. 1st degree sexual assault (CGS § 53a-70),
6. aggravated 1st degree sexual assault (CGS § 53a-70a), or

7. aggravated sexual assault of a minor (CGS § 53a-70c).

The defendant must file the motion before the trial for the alleged offense begins. (PA 19-132, § 7, makes hearsay and secondary evidence admissible at these hearings.)

In determining the witness's reliability, the court must consider the information and materials related to the witness that the prosecutor disclosed to the defendant and the following factors:

1. extent to which the witness's testimony is confirmed by other evidence;
2. testimony's specificity;
3. extent to which the testimony contains details known only by the alleged perpetrator;
4. extent to which the testimony's details could be obtained from a source other than the defendant; and
5. circumstances under which the witness initially provided information supporting the testimony to a sworn municipal or state police officer or prosecutor, including whether the witness was responding to a leading question.

(PA 19-132 allows, instead of requires, the court to consider these factors when determining the testimony's reliability and additionally requires the court to evaluate the evidence submitted at the hearing when making this determination.)

The act prohibits the court from allowing the witness's testimony to be admitted if the prosecutor fails to show by a preponderance of the evidence that the testimony is reliable. (PA 19-132, § 7, instead prohibits the testimony's admission if the prosecutor fails to make a prima facie (i.e., plainly sufficient) showing that the testimony is reliable.)

STATE'S ATTORNEY'S OFFICE REPORTING REQUIREMENT

Under the act, the information each state's attorney's office must track and provide to OPM includes the following:

1. the substance and use of any jailhouse witness's testimony against the interest of a suspected perpetrator or defendant, regardless of whether the testimony is presented at trial, and
2. the witness's agreement to cooperate with the prosecutor and any benefit the prosecutor provided, offered, or may offer in the future to the witness in connection to his or her testimony.

PA 19-132—sSB 996

Judiciary Committee

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM AND REVISING PROVISIONS CONCERNING JAILHOUSE WITNESSES

SUMMARY: This act makes minor revisions and various unrelated changes in laws related to the criminal justice system. Specifically, the act:

1. redirects where complaints may be made about the unlawful employment, to influence legislative action, of anyone compensated by the state (§ 1);
2. generally allows certain agents of law enforcement officials to record private telephone conversations for law enforcement purposes (§ 3);
3. conforms the maximum penalty for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault offense, but with a mandatory one year minimum sentence (§ 4);
4. extends protections against criminal lockout to commercial lessees (§ 5);
5. amends PA 19-131 by (a) broadening the definition of "jailhouse witness" and (b) requiring the court to make a prima facie determination of the reliability and admissibility of such witness's testimony after evaluating submitted evidence at a hearing (§§ 6 & 7); and
6. repeals laws that address the Superior Court's jurisdiction and state's attorney's role regarding a (a) town's noncompliance with highway construction orders and (b) railroad company's neglect of a highway or railroad (§ 8).

It also makes technical changes, including removing an obsolete statutory reference (§ 2).

EFFECTIVE DATE: October 1, 2019

§§ 1 & 8 — SUPERIOR COURT JURISDICTION AND STATE’S ATTORNEY’S ROLE

Unlawful Employment Complaints

The law prohibits anyone from (1) employing individuals receiving pay from the state for services rendered and performed in Hartford or (2) providing them certain incentives (e.g., entertainment or money) related to influencing legislation. The law also prohibits such state-compensated persons from receiving such incentives.

The act changes the jurisdiction for complaints of these violations by requiring them to be filed with the chief state’s attorney for trial in any Superior Court. Under prior law, such complaints had to be filed with the state’s attorney for the New Britain judicial district, with the trial held at the New Britain Superior Court.

Repeals

The act repeals a law that required the Superior Court to (1) direct another person to construct or alter a highway when a town fails to comply with a court order to do so and (2) grant a warrant, upon the state’s attorney’s complaint, against the town to collect the construction or alteration expense (CGS § 13a-69).

It also repeals a law that required the state’s attorney to file a complaint and seek further action against a railroad company that neglects to construct any highway or bridge that it has a duty to construct or maintain (CGS § 13b-305).

§ 3 — ILLEGAL RECORDING OF PRIVATE TELEPHONE CONVERSATIONS

The law generally prohibits anyone from recording a private telephone conversation without consent, verbal notification, or an automatic warning.

Existing law exempts, among others, federal, state, or local criminal law enforcement officials who record telephonic communications in the lawful performance of their duties. The act extends this exemption to such officials’ agents and individuals requested or directed to do so by such officials or agents in the performance of their duties.

§ 4 — 2ND DEGREE ASSAULT WITH A FIREARM

Under existing law, 2nd degree assault is a class D felony, however if the offense caused serious physical injury, it is a class C felony (see [Table on Penalties](#)). Under prior law, 2nd degree assault with a firearm was a class D felony with a mandatory one-year minimum sentence.

The act conforms the maximum penalties for 2nd degree assault with a firearm to the maximum penalties for the underlying 2nd degree assault offense. But, as under existing law, the act imposes a mandatory one year minimum sentence to such firearm assault convictions.

By law, a person is generally guilty of 2nd degree assault with a firearm when he or she causes serious physical injury using or armed with a firearm and threatens use of, displays, or represents that he or she possesses, a firearm (CGS § 53a-60a). A “serious physical injury” creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ’s function (CGS § 53a-3(4)).

§ 5 — CRIMINAL LOCKOUT

The act extends protections against criminal lockout to commercial lessees. Under the act, a landlord, lessor, owner, or his or her agent is guilty of criminal lockout if he or she deprives a tenant, including lessees, access to a residential or nonresidential unit or the tenant’s possessions without a court order. Existing law already provides such protections to residential tenants, including lessees, sublessees, or individuals entitled under the rental agreement to occupy a residential unit to the exclusion of others.

By law, criminal lockout is a class C misdemeanor (see [Table on Penalties](#)).

§§ 6 & 7 — USE OF JAILHOUSE WITNESSES

Definition

Under PA 19-131, a “jailhouse witness” is a person who is incarcerated at the time he or she offers to provide testimony concerning statements a defendant or suspected perpetrator made. This act broadens the definition to mean (1) a person who offers or provides testimony concerning statements made to such person by another person with whom he

or she was incarcerated or (2) an incarcerated person who offers or provides testimony concerning statements made to such person by another person who is suspected of or charged with committing a criminal offense.

Reliability and Admissibility of Testimony

PA 19-131 requires the court to conduct a hearing to decide whether a jailhouse witness's testimony is reliable and admissible upon the motion of a defendant facing prosecution for one of seven specific murder- and sexual assault-related offenses.

This act:

1. specifies that hearsay or secondary evidence must be admissible at such a hearing to determine whether the jailhouse witness's testimony is reliable and admissible and
2. requires the court to make a prima facie determination concerning the reliability of the testimony after evaluating the evidence submitted at the hearing and the information and material submitted pursuant to PA 19-131.

PA 19-137—sHB 7104

Judiciary Committee

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM TRUST CODE

TABLE OF CONTENTS:

[§§ 1-12 — UNIFORM TRUST CODE GENERAL PROVISIONS](#)

Establishes the code's scope; defines terms; provides that the code is a set of default rules that a trust can override, with exceptions; and addresses several other matters, such as methods of providing notice and nonjudicial settlement agreements

[§§ 13-16 — JUDICIAL PROCEEDINGS](#)

Provides that testamentary trusts, and not inter vivos trusts, are subject to continuing judicial supervision; addresses jurisdiction and venue over trust-related court matters

[§§ 17-21 & 123 — REPRESENTATION](#)

Establishes rules for representation, such as when a fiduciary may represent and bind a trust beneficiary

[§§ 22-38 & 123 — CREATION, VALIDITY, MODIFICATION, AND TERMINATION OF A TRUST](#)

Establishes methods for creating, modifying, or terminating a trust, including general and specific rules for different types of trusts

[§§ 39 & 40 — CREDITORS' CLAIMS](#)

Sets rules for when a trustee's or beneficiary's creditors can reach the trust's property

[§§ 41-43 — REVOCABLE TRUSTS](#)

Sets rules for revocable trusts, including when they can be revoked or amended and property distribution upon the settlor's death

[§§ 44-52 & 123 — OFFICE OF TRUSTEE](#)

Establishes standards for several trustee-related matters, such as accepting the trusteeship, resignation or other vacancies, and compensation

§§ 53-67 & 123 — DUTIES AND POWERS OF TRUSTEES

Establishes trustees' duties on matters such as loyalty and avoiding conflicts of interest, recordkeeping, and reporting to beneficiaries; sets forth trustees' general and specific authority

§§ 68-78 — LIABILITY OF TRUSTEES AND RIGHTS OF PERSONS DEALING WITH TRUSTEE

Establishes when a trustee is liable to a beneficiary or certain other parties and sets related requirements

§§ 79 & 80 — UNIFORMITY OF INTERPRETATION; SEVERABILITY

Addresses uniformity of interpretation and severability

§§ 81-98 — CONNECTICUT UNIFORM DIRECTED TRUST ACT

Outlines the powers and obligations of parties administering directed trusts (i.e., trusts in which a person other than a trustee has a power over the trust's administration)

§§ 99-108 — CONNECTICUT QUALIFIED DISPOSITIONS IN TRUST ACT

Sets up a framework for creating self-settled asset protection trusts, the assets of which (1) the grantor may still benefit from personally and (2) creditors generally cannot reach

§ 109 — APPLICABILITY

Establishes rules for the act's applicability (e.g., it generally applies to all trusts no matter when created)

§§ 110-118 & 120-123 — OTHER PROVISIONS

Makes minor, technical, and conforming changes

§ 119 — RULE AGAINST PERPETUITIES

Generally extends, from 90 to 800 years, the period within which certain interests must vest

EFFECTIVE DATE: January 1, 2020

§§ 1-12 — UNIFORM TRUST CODE GENERAL PROVISIONS

Establishes the code's scope; defines terms; provides that the code is a set of default rules that a trust can override, with exceptions; and addresses several other matters, such as methods of providing notice and nonjudicial settlement agreements

This act adopts the Connecticut Uniform Trust Code (§§ 1-98), establishing numerous rules on creating, modifying, terminating, and enforcing trusts. A trust, generally speaking, is an arrangement in which one person (the trustee) holds money or other property for the benefit of another person (the beneficiary). The trustee owes certain duties to the beneficiary with regard to safeguarding, managing, and disposing the trust property and income according to the trust's terms. The person who creates the trust is called the settlor.

Scope (§ 2)

The act applies to the following types of trusts:

1. express trusts, whether testamentary (i.e., a trust created under a will or, unless otherwise expressly provided, pursuant to a probate court order) or inter vivos (i.e., non-testamentary trusts) and
2. trusts created under a statute or court order requiring that such a trust be administered as an express trust.

Except as provided below, the act does not apply to charitable trusts (i.e., a trust, or portion of one, created for a charitable purpose, as set forth below, when property is dedicated for that purpose).

It also does not apply to statutory trusts created under the existing Connecticut Statutory Trust Act (CGS § 34-500 et seq.).

The act provides that, for special needs trusts created under specified federal law, (1) the act's applicable provisions must not be interpreted in a manner that is inconsistent with or contradicts federal law and (2) courts may not issue an order or other ruling that is inconsistent with or contradicts federal law.

Knowledge of Facts; Methods and Waiver of Notice (§§ 4 & 9)

The act sets standards for (1) determining when a person has knowledge of a fact involving a trust and (2) how a trustee or other persons must provide required notices or documents. Among other things, the act:

1. provides that an organization has notice or knowledge of a fact from the time (a) an employee responsible for acting for the trust received the information or (b) it would have been brought to the employee's attention if the organization had exercised reasonable diligence;
2. requires that notices or documents be sent in a reasonably suitable manner likely to result in their receipt, such as first-class mail; personal delivery; or electronic messages, if the person has consented to receive documents electronically; and
3. allows the intended recipient to waive receipt of a notice or document.

Default and Mandatory Rules (§ 5)

Except as the trust otherwise provides, the act governs (1) trustees' duties and powers, (2) relations among trustees, and (3) beneficiaries' rights and interests.

It generally allows the terms of a trust to override the act's provisions with 14 enumerated exceptions. These exceptions include, among other things, (1) requirements for creating a trust; (2) the trustee's duty to act in good faith; (3) certain court powers, such as to modify or terminate a trust under certain circumstances; and (4) provisions dealing with judicial supervision of testamentary trusts. (See § 5(b) of the act for the complete list of exceptions.)

Common Law, Principles of Equity, and Governing Law (§§ 6 & 7)

The act specifies that the common law (i.e., judge-made law) of trusts and principles of equity supplement its provisions, except to the extent the act or a statute modifies them. It provides that:

1. the act's provisions expressly applying to charitable trusts do so only to supplement Connecticut common law and
2. the act and existing probate laws must not be applied or construed to alter or diminish any charitable interest or purpose or any related condition or restriction.

The act requires the meaning of a trust's terms to be determined by the law of the jurisdiction (1) the trust designates unless that is contrary to a strong public policy of the jurisdiction with the most significant relationship to the matter or (2) with the most significant relationship to the matter, in the absence of a controlling designation.

Principal Place of Administration (§ 8)

The act establishes a non-exhaustive list of standards under which a trust's designation of its principal place of administration is valid (e.g., if the trustee lives or works there). A trustee is under a continuing duty to administer the trust at a location appropriate to its purposes and administration and the beneficiaries' interests.

With some exceptions, the act allows trustees to transfer a trust's principal place of administration to other states or foreign jurisdictions. It requires probate court approval to transfer testamentary trusts and prohibits the transfer of charitable trusts to other countries. Under the act, changing a trust's principal place of administration from Connecticut to another jurisdiction does not, by itself, deprive Connecticut courts of jurisdiction over the trust.

Before transferring a trust's principal place of administration, the act requires a trustee to provide at least 60 days' notice, with specified information, to the qualified beneficiaries. "Qualified beneficiaries" are those who (1) are currently eligible to receive a trust distribution or (2) would be eligible upon termination of the trust or the interests of current qualified beneficiaries.

Others Treated as Qualified Beneficiaries (§ 10)

Under the act, if a trustee must send a notice to the trust's qualified beneficiaries, the trustee must also send it to (1) any designated representatives (see § 21) and (2) other beneficiaries who request it.

Additionally, the act grants the rights of a qualified beneficiary to:

1. a charitable organization that the trust expressly designated to receive distributions, if certain conditions are met;

2. the attorney general, with respect to charitable trusts (a) administered in Connecticut or (b) with the primary charitable beneficiary or intended charitable benefit in the state; and
3. a person appointed to enforce a trust created for an animal's care or a noncharitable trust without an ascertainable beneficiary (see § 29).

Nonjudicial Settlement Agreements (§ 11)

The act generally allows interested persons to enter into binding, nonjudicial settlement agreements for matters involving inter vivos trusts, as long as the agreement (1) does not violate a material purpose of the trust and (2) includes terms that a court could properly approve.

The act specifies matters that may be resolved in this way, such as (1) interpretation of a trust's terms or (2) a trustee's liability for a trust-related action. It does not allow a nonjudicial settlement agreement to modify or terminate an irrevocable trust.

It allows an interested person to request that a court approve the agreement and determine whether (1) it contains terms the court could have properly approved and (2) adequate representation was provided (see §§ 17-21 below).

Insurable Interest of Trustee (§ 12)

The act establishes the conditions under which a trustee has an insurable interest in the life of an insured individual under a life insurance policy owned by the trustee or the trust. Generally, this applies if the insured is the settlor or someone in whom the settlor has an insurable interest. The insurance proceeds must primarily benefit trust beneficiaries that (1) have an insurable interest in the insured's life or (2) are certain family members of the insured.

§§ 13-16 — JUDICIAL PROCEEDINGS

Provides that testamentary trusts, and not inter vivos trusts, are subject to continuing judicial supervision; addresses jurisdiction and venue over trust-related court matters

Role of Court in Administration of Trust (§ 13)

The act provides that testamentary trusts, but not inter vivos trusts, are subject to continuing judicial supervision.

Personal and Subject Matter Jurisdiction (§§ 14 & 15)

Under the act, a trustee submits to the personal jurisdiction of Connecticut's courts for any trust matter by (1) accepting the trusteeship of a trust that has its principal place of administration in this state or (2) moving the trust to this state. Beneficiaries of a trust administered in Connecticut are subject to the state's courts' jurisdiction for any trust matter. If a beneficiary accepts a trust distribution, he or she submits personally to the jurisdiction of the state's courts for any trust matter.

The act specifies that, notwithstanding the above provisions, Connecticut courts have jurisdiction over the trustees of charitable trusts if the primary charitable beneficiary or intended charitable benefit is in the state.

Testamentary Trusts. For testamentary trusts, the act specifies several matters over which the state's probate courts or Superior Courts have jurisdiction or concurrent jurisdiction.

For example, probate courts have sole original jurisdiction over matters to (1) determine the validity of the will establishing the trust, (2) compel a trustee to account or approve a trustee's account or proposed final distribution, and (3) terminate a charitable trust.

Under the act, probate courts and Superior Courts have concurrent original jurisdiction over several matters, such as (1) determining title or right of possession and use in property that constitutes or may constitute trust property, (2) reforming a trust to qualify for the marital deduction or charitable deduction under tax law, and (3) modifying or terminating a noncharitable trust. (See § 15(a) and (b) of the act for the complete lists.)

The Superior Court has original jurisdiction over:

1. proceedings relating to a testamentary trust that the court consolidates with another proceeding involving the same trust over which the court has original jurisdiction and
2. any matters over which the Superior Court has statutory or common law jurisdiction or has powers or remedies that are not available to the probate court.

Inter Vivos Trusts. Under the act, the Superior Court has original jurisdiction over all matters relating to inter vivos

trusts. The act specifies several matters over which the probate court has concurrent original jurisdiction with the Superior Court, such as (1) compelling a trustee to account, (2) approving a trustee's account, (3) terminating a charitable trust, or (4) determining title or right of possession and use in property that constitutes or may constitute trust property. (See § 15(d) of the act for the complete list.)

Request for Instruction or Approval of Action. The act allows the court, with respect to a matter over which it has jurisdiction, to hear and decide a (1) trustee's request for instructions or for approval of an action or (2) party's request to compel or prohibit a trustee's action.

Venue (§ 16)

Under the act, trust-related proceedings in Superior Court must follow existing law's venue rules (see chapter 890 of the general statutes).

The act requires probate court petitions concerning testamentary trusts to be filed with (1) the court that admitted the will to probate or (2) if the trust was established through a court order, the court that issued the order or the court to which the trust was subsequently transferred.

The act also establishes rules for where probate court proceedings about inter vivos trusts may be filed (e.g., in the probate district where the settlor resides or where the principal place of administration is located).

§§ 17-21 & 123 — REPRESENTATION

Establishes rules for representation, such as when a fiduciary may represent and bind a trust beneficiary

Basic Rules (§ 17)

Under the act, (1) notice to a person's representative has the same effect as if the person were directly notified and (2) a representative's consent is binding unless the represented person objects before the consent takes effect. The act generally allows a person representing a settlor who lacks capacity to give binding consent on the settlor's behalf.

The act prohibits a settlor from representing or binding a beneficiary with respect to a trust termination or modification. It specifies that a non-attorney cannot serve as someone's legal counsel.

These provisions apply to all judicial proceedings, nonjudicial settlements, and other provisions of law pertaining to trust matters.

Fiduciaries and Other Representatives (§§ 18-20 & 123)

The act provides that the holders of a power of appointment (i.e., authority to designate the recipients of a property interest) represent the appointee unless there is a conflict of interest. It sets a similar requirement for holders of a power of revocation or general power of appointment to represent the takers in default.

Additionally, unless there is a conflict of interest, the act establishes the following conditions for representation:

1. conservators of an estate, agents, trustees, and estate executors and administrators may represent and bind the party or estate, as applicable;
2. conservators of persons or guardians of adults with intellectual disability may represent and bind such a person with court approval, if a conservator of the estate has not been appointed;
3. a parent may represent and bind his or her minor or unborn child, if a guardian of the estate has not been appointed; and
4. unless otherwise represented, minors, incapacitated or unborn persons, or those whose identity is unknown and not reasonably ascertainable may be represented and bound by another person having a substantially identical interest to the extent there is no conflict of interest.

If the court determines that an interest is not represented or the available representation may be inadequate, it may appoint a guardian ad litem (GAL) for the person. In making any decisions, the GAL may consider the general benefit accruing to the living members of the person's family.

The act also repeals prior law on these matters, which contained generally similar provisions (CGS §§ 45a-487a to -487f).

Representation of Beneficiaries (§ 21)

Under the act, the trust instrument may (1) designate one or more persons other than the settlor to represent and bind

a beneficiary that is not a charity or (2) authorize a person or persons, other than a trustee or the settlor, to designate one or more persons to represent and bind a beneficiary that is not a charity.

Except as the act provides otherwise, a designated representative (1) may not represent and bind a beneficiary while the person is serving as trustee and (2) who is a beneficiary may not represent and bind another beneficiary unless certain conditions are met (e.g., they are married to each other).

A designated representative is not liable to the beneficiary, or to anyone claiming through that beneficiary, for any good faith actions or omissions.

§§ 22-38 & 123 — CREATION, VALIDITY, MODIFICATION, AND TERMINATION OF A TRUST

Establishes methods for creating, modifying, or terminating a trust, including general and specific rules for different types of trusts

Methods of Creating a Trust; Oral Trusts (§§ 22 & 28)

The act allows a trust to be created by:

1. transferring property to someone else as trustee during the settlor's lifetime or by will or other disposition that takes effect upon the settlor's death,
2. the property owner's declaration that he or she holds identifiable property as trustee,
3. exercising a power of appointment or distribution in favor of a trustee,
4. transferring property under a statute or court judgment requiring property to be administered as an express trust, or
5. court order.

Under the act, a trust need not be in writing unless another law requires otherwise. But the creation and terms of an oral trust, other than a charitable trust, can only be established by clear and convincing evidence.

Requirements for Creation; Purposes; Void Trusts (§§ 23, 25, & 27)

Under the act, a trust is created only if the:

1. settlor has capacity and indicates an intention to do so;
2. trustee has duties to perform; and
3. trust has a definite beneficiary or is a charitable trust, trust for the care of an animal, or trust for non-charitable purposes that meets the act's requirements (see § 29).

Under the act, a trust may grant a trustee the power to select a beneficiary from an indefinite class, but that authority fails if it is not exercised within a reasonable time. For charitable trusts, if the trust instrument does not name a default beneficiary, the property subject to the power passes to one or more court-selected charitable purposes or beneficiaries. The court must make that selection consistent with the settlor's intention to the extent it can be ascertained.

The act specifies that a charitable trust is created if the donor makes a gift with a charitable intent.

It allows a trust to be created only to the extent the trust's purposes are lawful and not contrary to public policy. The act makes a trust or trust provision void if its creation was induced by fraud, duress, or undue influence.

Inter Vivos Trusts Created in Other Jurisdictions (§ 24)

Under the act, an inter vivos trust is valid if its creation complies with the law of the jurisdiction where it was executed or in which, upon its creation:

1. the settlor was domiciled, had a residence, or was a national;
2. a trustee was domiciled or had a business; or
3. any trust property was located.

Charitable Purposes; Enforcement (§ 26)

The act authorizes a charitable trust to be created to relieve poverty; advance education or religion; promote health, governmental, or municipal purposes; or for other purposes that benefit the community. The settlor, or someone the settlor designates who would not otherwise have standing, may enforce a charitable trust in court only to the extent specified in the trust instrument.

If a charitable trust does not indicate a particular charitable purpose or beneficiary, and if the trustee is not

given discretion to select the beneficiaries, the court may select them. The court must do this consistent with the settlor's intent to the extent it can be determined.

If a charitable trust, whose purposes are set forth in the trust instrument, is converted to a corporation or other entity, then the new entity's governing instrument must recite the original instrument's charitable purposes.

Noncharitable Trust Without an Ascertainable Beneficiary (§ 29)

The act allows a trust to be created for (1) general but noncharitable purposes or (2) specific noncharitable purposes the trustee selects. Such a trust may be enforced for up to 90 years by someone appointed in the trust or, if none, a court-appointed person. The 90-year period applies only to trusts that become irrevocable on or after January 1, 2020.

The trust's property may be applied only to its intended use, unless the court determines that the property's value exceeds the amount required for that use. Unless the trust provides otherwise, property not required for the intended use must be distributed to the settlor or, if he or she is deceased, the settlor's successor in interest.

These provisions apply except as existing law provides otherwise.

Modification or Termination – General Provisions (§ 30)

Under the act:

1. a charitable trust terminates only in accordance with existing law's requirements (see § 121 of the act, CGS § 45a-520) or the act's cy pres provisions (§§ 33 & 34) and
2. a noncharitable trust terminates if it is revoked or expires or in accordance with the act's provisions (§§ 31, 32 & 35).

A trustee or beneficiary may bring a court proceeding to approve or disapprove a modification, termination, combination, or division. The settlor of a charitable trust or someone he or she designates may bring a proceeding to modify a trust if the instrument expressly grants that right.

The trustee is a necessary party in any such proceeding and may appeal any related court order, denial, or decree.

Modification or Termination by Consent (§ 31)

The act sets standards for terminating or modifying trusts with consent of the beneficiaries, in some cases without the settlor's consent. For example, for noncharitable irrevocable trusts:

1. if the settlor, trustee, and all beneficiaries consent, the court can approve a modification or termination even if it is inconsistent with the trust's material purpose (unless the trust was created or became irrevocable before January 1, 2020); and
2. if all beneficiaries consent, the court can approve such an action if continuing the trust is not necessary to achieve any material purpose of the trust or modifying it is not inconsistent with such a purpose.

To approve such an action when not all beneficiaries consent, the court must find, among other things, that the interests of non-consenting beneficiaries will be protected.

The act specifies that a spendthrift provision in a trust is not presumed to constitute a material purpose. A "spendthrift provision" allows the settlor to restrain both voluntary and involuntary transfers of a beneficiary's interest.

Upon the termination, the trustee must distribute the property as the beneficiaries agree and as the court approves.

The act prohibits courts from terminating an irrevocable special needs trust established under specified federal law. The court may approve a modification for certain purposes, such as (1) complying with federal law or (2) modifying someone's contingent beneficial interest that is available only after repaying Connecticut or another state for medical assistance or unreimbursed claims Connecticut would have had against the estate.

Modification or Termination Due to Unanticipated Circumstances (§ 32)

Subject to the cy pres provisions described below (§§ 33 & 34), the act allows a court to:

1. modify or terminate a noncharitable trust if doing so would further the trust's purposes, due to circumstances not anticipated by the settlor; or
2. modify a trust's administrative terms if continuing the existing terms would be impracticable, wasteful, or impair the trust's administration.

Upon the termination, the trustee must distribute the property in a manner consistent with the trust's purposes and as directed by the court.

The act prohibits courts from terminating an irrevocable special needs trust established under specified federal law. It allows courts to modify these trusts for certain purposes.

Cy Pres (§§ 33 & 34)

Generally, the act provides that if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve, or wasteful, the court may apply the common law “cy pres” doctrine to modify or terminate it by directing the property to be distributed in a manner consistent with the settlor’s purposes. In certain circumstances, it provides that a charitable trust’s provision that would distribute the property to a noncharitable beneficiary prevails over the court’s power to apply cy pres.

Modification or Termination of Uneconomic Trust (§§ 35 & 123)

The act generally allows a trustee to terminate a noncharitable inter vivos trust valued at under \$200,000 if the trustee concludes that the property’s value does not justify the trust’s administration costs. The trustee must first give 30 days’ notice to the qualified beneficiaries and other beneficiaries as the trustee deems reasonable. This authority to terminate does not apply to special needs trusts under specified federal law.

The act also allows a court to modify or terminate a noncharitable trust or replace the trustee if it determines that the trust property’s value does not justify its costs relative to the trust’s material purposes. This does not apply to special needs trusts under specified federal law, and the court may modify such a trust only for certain purposes.

In any such case the trustee must distribute the property in a manner consistent with the trust’s purposes or, for terminations involving court approval, as directed by the court.

The act correspondingly repeals a law on the termination of trusts valued at under \$150,000 (CGS § 45a-484).

These provisions do not apply to conservation or preservation easements.

Reformation to Correct Mistakes (§ 36)

Under the act, a court may reform a noncharitable trust’s terms to conform to the settlor’s intention if it is proven by clear and convincing evidence what the intention was and that there was a mistake of fact or law.

Modification to Achieve Settlor’s Tax Objectives (§ 37)

The act authorizes a court to modify a trust to achieve the settlor’s tax objectives in a manner that is not contrary to the settlor’s probable intention. The court may make the modification retroactive.

Combination and Division (§ 38)

The act allows the trustee of an inter vivos trust, after providing 30 days’ notice to qualified beneficiaries, to combine multiple trusts or divide a trust into separate trusts, if it does not impair a beneficiary’s rights or the trust’s purposes. For testamentary trusts, rather than providing this notice, the trustee must seek court approval to combine or divide trusts.

§§ 39 & 40 — CREDITORS’ CLAIMS

Sets rules for when a trustee’s or beneficiary’s creditors can reach the trust’s property

The act provides that trust property is not subject to the trustee’s personal obligations, even if the trustee becomes insolvent or bankrupt.

The act prohibits a beneficiary’s creditor, other than a settlor’s creditor if the settlor is also a beneficiary, from attaching or compelling a distribution of property that is subject to a power of withdrawal or power to make distributions in three specific situations (see § 40(a)). For example, the prohibition applies if the beneficiary holds a power of withdrawal and the property’s value does not exceed the greater of certain amounts specified in the federal tax code in effect on January 1, 2020. A power of withdrawal is a presently exercisable power of appointment that meets certain requirements.

Under the act, a beneficiary holding such a power may not be treated as a settlor during the period the power may be exercised or upon the power’s lapse, release, or waiver.

§§ 41-43 — REVOCABLE TRUSTS

Sets rules for revocable trusts, including when they can be revoked or amended and property distribution upon the settlor's death

Revocation or Amendment (§ 41)

The act generally gives the settlor the right to revoke or amend a trust unless the trust expressly provides otherwise. But this does not apply to (1) trusts created before January 1, 2020; (2) charitable pledges; or (3) other charitable gifts in which the interest has vested.

The act establishes several related rules, such as providing that:

1. a settlor may revoke or amend a revocable trust by substantially complying with a method the trust provides;
2. if a trust does not provide a method, a settlor may revoke or amend the trust by (a) executing a later will or codicil that meets certain criteria or (b) any other method showing clear and convincing evidence of the settlor's intent, subject to certain conditions; and
3. upon revocation, the trustee must deliver the property as the settlor directs.

The act also addresses related issues, such as establishing a process for revoking or amending a trust created by multiple settlors.

Under the act, if a trustee does not know that a trust was revoked or amended, he or she is not liable to the settlor for actions taken on the assumption that the trust was still in effect.

Additionally, a special needs trust created under specified federal law is irrevocable if the trust prohibits revocation, even if the settlor's estate or heirs are named as the remainder beneficiaries.

Settlor's Powers; Powers of Withdrawal (§ 42)

Under the act, if a trust is revocable by the settlor alone or, in some cases, by the settlor and other specified persons (e.g., someone other than the trustee), a trustee may follow their directions that are contrary to the trust's terms. If a settlor has capacity to revoke a trust, the beneficiaries' rights are subject to the settlor's control, and the trustee's duties are owed exclusively to the settlor.

During the period the power to revoke may be exercised, the holder of a power of withdrawal has the rights of a settlor of a revocable trust with respect to the property subject to the power.

Action Contesting Trust's Validity; Distribution (§ 43)

The act allows a person (e.g., a beneficiary) to file a lawsuit contesting the validity of a trust that was revocable at the settlor's death within the earlier of (1) one year after the death or (2) 120 days after the trustee sent the person (not a representative) a copy of the trust instrument and a notice with certain related information.

Upon the settlor's death, the trustee may distribute the trust property in accordance with its terms. The trustee is not liable for doing so except in certain circumstances (e.g., if the trustee knows of a pending judicial proceeding contesting the trust's validity). If the court determines that a distribution is invalid, the beneficiary must return it.

§§ 44-52 & 123 — OFFICE OF TRUSTEE

Establishes standards for several trustee-related matters, such as accepting the trusteeship, resignation or other vacancies, and compensation

Accepting or Declining Trusteeship (§ 44)

Under the act, a person designated as trustee accepts the role by substantially complying with the trust's acceptance method, or if none or that method is not exclusive, by accepting delivery of the trust property, exercising trustee powers or duties, or otherwise indicating acceptance. For testamentary trusts, the person must file an acceptance in court.

A person designated as trustee may reject the trusteeship. Failure to accept within a reasonable period is deemed a rejection. Without accepting the trusteeship, a person designated as trustee may (1) act to preserve the trust property under certain conditions and (2) inspect the property to determine potential liability issues or for other purposes.

Trustee's Bond (§§ 45 & 123)

The act requires the trustee to give a bond only if the court finds (1) it is needed to protect the beneficiaries' interests or (2) the trust requires it and, for noncharitable trusts, the court has not dispensed with the requirement. The court may (1) specify the bond amount, its liabilities, and whether sureties are necessary and (2) except for charitable trusts, modify or terminate a bond at any time.

Testamentary trustees that are foreign corporations must also comply with the law requiring them to appoint the secretary of the state as agent for service of process (see CGS § 45a-206).

The act repeals the prior requirement that, for trustees appointed by a testator to execute a trust created by a will, the probate court must require a bond unless the will provided otherwise (CGS § 45a-473).

Co-Trustees (§ 46)

The act sets rules for co-trustees. For example, it (1) allows them to act by majority decision, (2) specifies when a co-trustee may delegate functions to another co-trustee, and (3) requires a co-trustee to participate in the performance of trustee functions unless he or she is unavailable (e.g., due to illness) or has delegated the function.

Under the act, a trustee who does not join in an action of another trustee is generally not liable for the action. But each trustee must exercise reasonable care to (1) prevent a co-trustee from committing a serious breach of trust and (2) compel a co-trustee to redress such a breach. A dissenting trustee who joins in an action at the majority's direction and who timely notifies any co-trustee of the dissent is not liable for the action unless it is a serious breach.

Vacancy; Appointment of Successor (§ 47)

Under the act, unless the trust requires it, a vacancy in a trusteeship need not be filled if at least one co-trustee remains. But a vacancy must be filled if (1) there is no remaining trustee or (2) it is a charitable trust, unless the trust's terms excuse the vacancy.

The act (1) establishes the order of priority for filling a vacancy and (2) even if there is no vacancy, allows a court to appoint an additional trustee or special fiduciary if the court deems it necessary.

Resignation or Removal of Trustee (§§ 48 & 49)

The act allows trustees of inter vivos trusts to resign by (1) providing at least 30 days' notice to certain parties or (2) obtaining court approval. For testamentary trusts, the trustee may resign only with court approval and the court may impose conditions to protect the property, beneficiaries, and other trustees.

In either case, resignation does not discharge any liability of the trustee.

The act specifies which parties have the right to ask the court to remove a trustee (e.g., the beneficiaries) and also allows the court to remove a trustee on its own initiative. A court may remove a trustee for, among other things, (1) wasting trust assets or other serious breaches of trust or (2) lack of cooperation among co-trustees that substantially impairs trust administration.

Delivery of Property by Former Trustee (§ 50)

The act requires a trustee who has resigned or been removed to continue to protect the property, unless a co-trustee remains or the court orders otherwise, until the property is delivered to a successor trustee or other person entitled to it. A trustee who has resigned or been removed must expeditiously deliver the property to the co-trustee, successor trustee, or other person entitled to it.

Under the act, lawsuits in favor of or against the original trustee survive and may be prosecuted by or against the successor trustee.

Trustee Compensation; Reimbursement of Expenses (§§ 51 & 52)

The act gives a trustee the right to compensation that is reasonable under the circumstances if the trust does not specify the compensation. When a trust specifies the compensation, the trustee is entitled to it, except the court may allow a different amount if the (1) specified compensation would be unreasonably low or high or (2) trustee's duties vary substantially from those first contemplated.

The act establishes when a trustee's expenses must be reimbursed, with interest, out of the trust property. In addition,

if a trustee advances money to protect the trust, the trustee has a lien against the trust property to secure reimbursement with interest.

§§ 53-67 & 123 — DUTIES AND POWERS OF TRUSTEES

Establishes trustees' duties on matters such as loyalty and avoiding conflicts of interest, recordkeeping, and reporting to beneficiaries; sets forth trustees' general and specific authority

Duty to Administer Trust; Prudent Administration; Impartiality; Property Protection (§§ 53, 55-56 & 59)

The act requires a trustee to administer the trust in good faith and according to its terms and purposes, the settlor's intent, the beneficiaries' interests, and the act's provisions. A trustee must administer the trust as a prudent person would.

A trustee must take reasonable steps to control and protect the trust property. If there are multiple beneficiaries, the trustee must act impartially in investing, managing, and distributing the trust property.

Duty of Loyalty (§ 54)

The act requires a trustee to administer the trust assets solely in the beneficiaries' interests consistent with the settlor's intent. It sets several related rules about trustee conflicts of interest.

The act establishes conditions under which a transaction is presumed to present a conflict (e.g., if the trustee enters the transaction with certain close family members). A transaction affected by a conflict between the trustee's fiduciary and personal interests is generally voidable by an affected beneficiary, subject to certain exceptions. For example, the transaction is not voidable if (1) it was authorized by the trust's terms or approved by the court or (2) the beneficiary consented.

Certain transactions between the trustee and beneficiary not involving the trust property are voidable unless the trustee establishes that it was fair to the beneficiary. It is a conflict for a trustee, in his or her personal capacity, to enter a transaction not involving the trust property if it concerns an opportunity properly belonging to the trust.

The act provides that certain types of investments are not presumed to present a conflict of interest if they comply with the existing prudent investor law, are in the beneficiaries' best interests, and are not prohibited by the trust. If the trust is the sole owner of a business, the trustee must select directors or other managers who will manage the business in the beneficiaries' best interests.

The act specifies that it does not prohibit certain transactions if fair to the beneficiaries, such as (1) paying reasonable compensation to the trustee or (2) depositing trust money in a financial institution operated by the trustee.

It allows a court to appoint a special fiduciary to decide whether any proposed transaction would violate these provisions.

Delegation by Trustee (§ 57)

The act allows trustees to delegate to an agent the duties and powers that a prudent trustee of comparable skills could properly delegate under the circumstances. The trustee must exercise reasonable care in doing so and must periodically monitor the agent's actions. If the trustee complies with these requirements, he or she is not liable for the agent's actions.

By accepting the delegated functions, the agent is subject to Connecticut law and owes a duty to the trust to exercise reasonable care to comply with the terms of the delegation.

When Settlor Not Deemed to Have Beneficial Interest (§ 58)

Under the act, an irrevocable trust's settlor is not deemed to have a beneficial interest in the trust merely because the trust or other law authorizes the trustee to (1) reimburse the settlor for any tax on trust income or principal that is payable by the settlor by law or (2) pay the tax directly. The settlor's creditors are not entitled to reach any trust property based on these discretionary powers.

Recordkeeping and Identification of Trust Property (§ 60)

The act requires trustees to (1) keep adequate records for the trust, (2) keep trust property separate from their own property, and (3) cause the trust property to be designated so that the trust's interest, if feasible, appears in

records maintained by someone other than a trustee or beneficiary. It authorizes a trustee to invest as a whole the property of separate trusts, if he or she keeps clear records in doing so.

Enforcement and Defense of Claims (§ 61)

The act requires a trustee to take reasonable steps to enforce trust claims and to defend claims against the trust.

Collecting Trust Property (§ 62)

The act requires a trustee to (1) take reasonable steps to compel a former trustee or other person to deliver trust property and (2) redress a known breach of trust by a former trustee.

Duty to Inform and Report; Accounting (§ 63)

The act requires a trustee to (1) keep qualified beneficiaries reasonably informed about the trust's administration and the material facts necessary for them to protect their interests and (2) promptly respond to their requests for information on the trust's administration.

The act generally requires a trustee to:

1. upon a beneficiary's request, promptly provide a copy of the relevant portions of the trust instrument;
2. within 60 days after accepting a trusteeship, notify the qualified beneficiaries and provide his or her contact information; and
3. within 60 days after learning that an irrevocable trust was created or that a trust became irrevocable, notify the qualified beneficiaries of the trust's existence, the settlor's identity, their right to request a copy, and their right to the trustee's reports.

The trustee must send a report annually and upon the trust's termination to the current beneficiaries and to other qualified beneficiaries who request it. The report must include information on the trust property, liabilities, disbursements, trustee compensation, and trust assets (including market values, if feasible). (This requirement and the three previously listed requirements do not apply to irrevocable trusts created before January 1, 2020, or to trusts that became irrevocable before that date.)

The act does not modify the existing requirement that trustees of testamentary trusts, unless excused by the will, generally must render periodic accounts to the probate court at least every three years.

The act allows beneficiaries to petition the court for an accounting by the trustee and sets standards for when the court may grant the petition. For example, the court may grant the petition of qualified beneficiaries of a testamentary trust, if it finds that an account is necessary to protect their interests.

Beneficiaries may waive their right to trustee's reports or other such information. Court approval of a trustee's report forecloses claims by those notified of the proceeding as to matters in the report.

Among other things, the act provides that its representation provisions (§§ 17-21) apply with respect to all rights of beneficiaries under the foregoing provisions. Notice or information to a designated representative satisfies the trustee's duties.

Discretionary Powers; Tax Savings (§§ 64 & 123)

The act requires the trustee to exercise a discretionary power in good faith and in accordance with the trust's terms and purposes, the settlor's intentions, and the beneficiaries' interests. This applies regardless of the breadth of discretion that the trust grants the trustee.

Unless the trust's terms expressly provide otherwise, the act applies the following limitations and prohibitions. First, a person, other than a settlor, who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions for his or her personal benefit, may only exercise the power in accordance with an ascertainable standard relating to his or her health, education, support, or maintenance within the meaning established in the federal estate and gift tax laws.

Secondly, a trustee may not exercise a power to make discretionary distributions to satisfy a legal support obligation that the trustee personally owes another person.

A power that is limited or prohibited as described above may be exercised by a majority of the remaining trustees whose exercise of the power is not so limited or prohibited.

Under the act, the limitations and prohibitions do not apply to a:

1. power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as defined in the

- federal estate and gift tax laws, was previously allowed;
2. trust during any period when the settlor may revoke or amend it; or
 3. trust if contributions to it qualify for the annual exclusion for a minor's trust under the federal tax laws.

The act repeals prior law on similar matters (e.g., limiting when a trustee is deemed to possess discretionary power to distribute trust income or principal to himself or herself) (CGS § 45a-487).

General and Specific Powers of Trustees (§§ 65 & 66)

The act allows a trustee, without court authorization and subject to the act's fiduciary duties, to exercise powers conferred by the trust and, except as limited by the trust:

1. all powers over the trust property which an unmarried competent owner has over individually owned property;
2. any other powers appropriate to properly invest, manage, and distribute the property; and
3. any other powers conferred by the act.

Without limiting this general authority, and except as otherwise prohibited by law or the trust's terms, the act authorizes a trustee to perform 27 categories of actions, such as to:

1. collect trust property and accept or reject additions to it from a settlor or any other person;
2. acquire or sell property, for cash or on credit, at a public or private sale;
3. exchange, partition, or otherwise change the character of trust property;
4. borrow money and mortgage trust property for a period within or extending beyond the trust's duration;
5. with respect to an interest in a business, continue the business and take any action that shareholders, members, or property owners could take (e.g., merger or dissolution); and
6. subject to certain requirements, exercise all powers appropriate to achieve the proper investment, management, preservation, and distribution of digital assets held in the trust estate.

(See § 66(a) of the act for the complete list.)

The act's specifically enumerated powers do not apply to charitable trusts to the extent that these powers would authorize the trustee to deviate from a stated charitable purpose or violate a restricted gift.

The act prohibits trustees of charitable trusts, or persons holding and administering endowment or institutional funds, from mortgaging or otherwise encumbering certain assets that were funded by charitable gifts.

These provisions apply to all trusts, whenever created, except they do not authorize powers for trusts established before January 1, 2020, if the trust instrument shows an intent to prohibit that power.

Distribution Upon Termination (§ 67)

The act allows the trustee, upon a trust's total or partial termination, to send a distribution proposal to the qualified beneficiaries. Their right to object to the proposal ends in 30 days after the proposal was sent if the trustee notifies them of that right and the deadline.

When a trust terminates, the trustee must expeditiously distribute the property to the persons entitled to it, but he or she may retain a reasonable reserve to pay debts, expenses, and taxes.

A beneficiary may release a trustee from liability for a breach of trust, but the release is invalid if (1) it was induced by the trustee's improper conduct or (2) the beneficiary did not know his or her rights or the material facts about the breach.

These provisions do not apply to testamentary trusts.

§§ 68-78 — LIABILITY OF TRUSTEES AND RIGHTS OF PERSONS DEALING WITH TRUSTEE

Establishes when a trustee is liable to a beneficiary or certain other parties and sets related requirements

Breach of Trust; Damages in Absence of Breach (§§ 68 & 69)

The act makes a trustee's violation of a duty he or she owes to a beneficiary a breach of trust. Even if the trustee did not commit a breach, he or she owes the affected beneficiary any profit the trustee made arising from the trust's administration. The trustee is not liable for a loss in the value of trust property or for not making a profit unless he or she committed a breach.

Limitation on Action against Trustee (§ 70)

The act allows a beneficiary to bring a lawsuit against a trustee for a breach up to one year after the beneficiary was sent a report adequately disclosing the potential claim and informing the beneficiary of the one-year limit.

If the beneficiary did not receive such a report, he or she may bring the claim up to three years after the earlier of (1) the trustee's removal, resignation, or death or (2) the termination of the trust or the beneficiary's interest in it.

The above provisions do not apply to testamentary trusts.

Reliance on Trust Instrument (§ 71)

Under the act, a trustee acting in reasonable reliance on the trust's terms is not liable to a beneficiary for a breach of trust.

Event Affecting Administration or Distribution (§ 72)

Under the act, a trustee who exercises reasonable care to know about events affecting the trust's administration or distribution is not liable for a loss resulting from lack of knowledge. These events include marriage, divorce, performing educational requirements, or death.

Exculpation of Trustee (§ 73)

The act makes a term in the trust that relieves a trustee's liability for a breach unenforceable to the extent it (1) relieves liability for a breach committed in bad faith or with reckless indifference to the trust's purposes or beneficiaries' interests or (2) was inserted due to the trustee's abuse of a fiduciary or confidential relationship to the settlor.

Under the act, an exculpatory term the trustee drafted or caused to be drafted is generally invalid as an abuse of a fiduciary or confidential relationship unless the trustee proves that the term is fair under the circumstances and was adequately communicated to the settlor. This provision does not apply to such terms intended to provide protection for carrying out a stated trust purpose.

Beneficiary's Consent, Release, or Ratification (§ 74)

Under the act, a trustee is not liable for breach of trust if the beneficiary consented to the conduct, released the trustee from liability, or ratified the transaction, unless the (1) trustee improperly induced the consent, release, or ratification or (2) beneficiary did not know of his or her rights or of the material facts about the breach. These provisions do not apply to testamentary trusts.

Limitation on Personal Liability of Trustee (§ 75)

Under the act, unless the contract provides otherwise, a trustee is not personally liable for a contract properly entered into in a fiduciary capacity while administering the trust, if he or she disclosed the fiduciary capacity in the contract.

The trustee is personally liable for torts committed while administering the trust, or obligations arising from owning or controlling the trust property, only if the trustee is personally at fault. The act specifies that other laws could limit this liability.

It allows the trustee to be sued in his or her fiduciary capacity for claims based on such a contract, tort, or obligation even if the trustee is not personally liable.

Interest as General Partner (§ 76)

Under the act, unless the contract imposes personal liability, a trustee who holds an interest as a general partner in a general or limited partnership is not personally liable for a contract the partnership enters after the trust acquires the interest, if he or she disclosed the fiduciary capacity in a specified manner. A trustee who holds an interest as a general partner is not personally liable for the partnership's torts or for obligations arising from ownership or control of the interest unless the trustee is personally at fault.

But neither immunity applies if the trustee holds a partnership interest in a capacity other than trustee or if the interest is held by the trustee's spouse or certain other family members.

If the trustee of a revocable trust holds an interest as a general partner, the settlor is personally liable for the partnership's contracts and obligations as if he or she were a general partner.

Protection of Person Dealing with Trustee (§ 77)

Under the act, someone other than a beneficiary is protected from liability if he or she (1) assists a trustee in good faith or (2) deals with a trustee in good faith and for value, without knowing that the trustee is improperly exercising his or her powers. The act provides similar protection to someone who assists or deals with a former trustee without knowing that the trusteeship has terminated.

The act specifies that comparable protective provisions of other laws relating to commercial transactions or transfer of securities by fiduciaries prevail over the act's protections.

Certification of Trust (§ 78)

Instead of providing a copy of the trust instrument to someone other than a beneficiary, the act allows the trustee to provide a certification of trust with specified information (e.g., the settlor's identity and the trustee's powers). A certification does not have to contain the trust's dispositive terms. A recipient may require the trustee to furnish certain excerpts from the instrument.

Among other provisions, the act provides that someone who:

1. relies upon a certification without knowing that its representations are incorrect is not liable for doing so, and may assume the existence of the facts contained in the certification;
2. in good faith, enters into a transaction in reliance upon such a certification may enforce the transaction against the trust property as if the representations were correct; and
3. demands the full trust instrument is liable for damages, including legal fees and costs, if the court determines that he or she did not act in good faith in demanding it.

§§ 79 & 80 — UNIFORMITY OF INTERPRETATION; SEVERABILITY

Addresses uniformity of interpretation and severability

The act directs that, in applying and construing its uniform provisions, consideration be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. It also provides that its provisions are severable (i.e., if a provision is held invalid, the other provisions are not affected).

§§ 81-98 — CONNECTICUT UNIFORM DIRECTED TRUST ACT

Outlines the powers and obligations of parties administering directed trusts (i.e., trusts in which a person other than a trustee has a power over the trust's administration)

The act outlines the powers and obligations of parties administering directed trusts, which are trusts in which a person other than a trustee has a power over some aspect of the trust's administration. Under the act, this power over a trust held by a nontrustee is called the "power of direction." A "trust director" holds this power. A trustee that is subject to this power is a "directed trustee."

Among other things, the act's provisions address:

1. trust directors' and directed trustees' duties,
2. information sharing between directed trustees and trust directors,
3. settlors' option to relieve co-trustees from duties and liabilities with respect to another co-trustee's exercise or nonexercise of powers (§ 91),
4. bringing suit against a trust director for breach of trust,
5. how the act's other provisions apply to trust directors, and
6. how the act's directed trust provisions generally supersede the federal Electronic Signatures in Global and National Commerce Act (§§ 97 & 98).

These provisions apply to trusts administered in Connecticut, regardless of whether they are created before or after the provisions' effective date (i.e., January 1, 2020). But for trusts created before then, the provisions apply only to decisions made or actions taken after (1) that date or (2) the date that the trust becomes principally administered in Connecticut, whichever applies (§ 82).

Definitions

Trust Director. A nontrustee with power over some aspect of a trust is the “trust director.” Under the act, a person can be a trust director even if the trust does not use the term and regardless of whether the person is a beneficiary or settlor.

Directed Trustee. A directed trustee is a trustee who is subject to the trust director’s power of direction.

Power of Direction. These powers over a trust, granted by the terms of the trust to a trust director, can only be exercised by a nontrustee. “Power of direction” may include power over the investment, management, or distribution of trust property or administration of trust matters. But certain powers are excluded, including the nonfiduciary power of appointment, a settlor’s power to revoke a trust, and powers held in a nonfiduciary capacity to achieve a settlor’s tax objectives (see § 84(b)).

Trust Director’s Powers (§ 85)

Unless the trust’s terms provide otherwise, in addition to a power of direction, a trust director may exercise any further power that is appropriate to the trust director’s exercise of express powers (e.g., employing a professional to assist in the exercise of powers; suing a directed trustee who does not comply with the director’s instructions).

Under the act, trust directors with joint powers must act by majority decision.

Trust Director’s Duties (§§ 86, 87 & 95)

Fiduciary Duties (§ 87). The act generally makes trust directors fiduciaries by imposing the same fiduciary duties on them that apply to trustees in a similar position or circumstance (e.g., a director with the power to make investments must act prudently, in the sole interest of the beneficiary). The act establishes minimum duties, but a trust’s terms can impose additional duties.

Other Duties (§ 86). The act specifically applies to trust directors all the rules applicable to a trustee in a like position and under similar circumstances in two situations: one involving a charitable interest in a trust and the other a Medicaid reimbursement requirement.

Other Applicable Provisions (§ 95). The act requires trust directors to comply with certain other trust code provisions about trustees, unless a trust’s terms provide otherwise. Specifically, trust directors must comply with provisions on (1) acceptance of a trusteeship (see § 44), (2) performance bonds (see § 45), (3) vacancy and appointment of a successor (see § 47), (4) resignation (see § 48), (5) removal (see § 49), and (6) reasonable compensation (see § 51).

Trust Director’s Liability (§§ 92-94)

Under the act, an action against a trust director for breach of trust must be commenced within the same timeframe applicable to an action against a trustee in a similar position or circumstance (see § 70). And directors may assert the same defenses that a trustee in a similar position or circumstance may assert (e.g., release or ratification by the beneficiary).

Under the act, by accepting appointment as a trust director of a trust subject to the act’s provisions, the director submits to personal jurisdiction of Connecticut’s courts over matters relating to the director’s powers and duties. This does not preclude other methods of obtaining jurisdiction over a trust director.

Directed Trustee’s Duties (§ 88)

Under the act, a directed trustee (1) must take reasonable action to comply with a trust director’s exercise or nonexercise of power unless compliance would be willful misconduct and (2) is not liable for complying with a trust director’s instruction.

Additionally, the act:

1. imposes limits on a trust director’s ability to release a trustee or another director from liability (e.g., when the release was obtained through improper conduct);
2. specifies that a directed trustee may petition the court to clarify the trustee’s duties; and
3. specifies that a trust’s terms may impose additional duties on a trustee.

Information Sharing (§§ 89 & 90)

The act generally requires trustees and trust directors to keep one another informed to the extent the relayed information is reasonably related to each party's powers or obligations. Trustees and directors that act in reliance on this information are shielded from liability for breach of trust unless they engage in willful misconduct.

The act specifies that it generally does not require trustees to (1) monitor a trust director or (2) inform or advise a settlor, beneficiary, trustee, or trust director when the trustee might have acted differently than the trust director. Likewise, trust directors do not have either of these obligations with respect to trustees or other directors. If either a trust director or directed trustee chooses to monitor, inform, or give advice, the director or trustee does not assume a continuing obligation to do so. The trust's terms can provide otherwise.

Uniformity (§ 96)

The act requires anyone applying or construing the uniform provisions in the Connecticut Uniform Directed Trust Act to consider the need to promote uniformity among states that have adopted the uniform provisions.

§§ 99-108 — CONNECTICUT QUALIFIED DISPOSITIONS IN TRUST ACT

Sets up a framework for creating self-settled asset protection trusts, the assets of which (1) the grantor may still benefit from personally and (2) creditors generally cannot reach

The act sets up a framework for creating self-settled asset protection trusts (APT), which are irrevocable trusts, the assets of which (1) the grantor may still benefit from personally and (2) creditors generally cannot reach. (A self-settled trust is an irrevocable trust that includes the settlor as a beneficiary.)

Under the act, grantors (i.e., "transferors") can make "qualified dispositions" of real property, tangible and intangible personal property, and interests in property to a "qualified trustee," thereby establishing an APT. A disposition is not "qualified" if, among other things, it is made to circumvent state or federal Medicaid laws.

The act's provisions cover, among other things:

1. requirements for creating an APT;
2. a transferor's rights to APT property and income;
3. allowable creditor claims, including when and to what extent an APT can be nullified;
4. dispositions to multiple trustees (§ 102);
5. the procedure for appointing successor trustees (§ 102);
6. multiple dispositions from the same trust instrument (§ 105(f)); and
7. protection for attorneys, trustees, and others involved in creating or administering an APT (§ 105(d) & (e)).

The act's provisions apply to qualified dispositions made on or after January 1, 2020 (i.e., the act's effective date) (§ 108).

Qualifying as an APT (§ 100)

The act establishes criteria an APT ("trust instrument") must meet to qualify for protection under the act's provisions. Generally, an APT must:

1. expressly state that Connecticut law governs the validity, construction, and administration of the trust;
2. be irrevocable;
3. contain a spendthrift clause that is enforceable under applicable nonbankruptcy law; and
4. appoint a qualified trustee, other than the transferor.

Qualified Trustees (§ 100)

Under the act, a qualified trustee cannot be the transferor. A qualified trustee must be a (1) Connecticut resident (in the case of an individual) or (2) state- or federally-chartered bank or trust company with a place of business in Connecticut, authorized to engage in a trust business. Qualified trustees must maintain some or all of the APT property in Connecticut and meet certain recordkeeping and administrative requirements.

Transferors (§§ 101, 103 & 104)

Under the act, the transferor only has the powers and rights set forth in the trust instrument (§ 104). The act lists the powers and interests a transferor may retain under the trust instrument without rendering the trust revocable (§ 103). Among other rights, the transferor may retain the right to:

1. veto a trust distribution;
2. receive income;
3. receive principal as a result of the trustee's exercise of discretion or compliance with a distribution standard (the standard must not give the transferor an unlimited right to receive or use principal);
4. annually receive up to 5% of the value of trust property;
5. remove a trustee or director and appoint a new one, other than someone who is a related or subordinate party; and
6. use real property held under a qualified personal residence trust under specified federal law.

Under the act, a qualified disposition is subject to the act's provisions in spite of a transferor retaining any such rights (§ 104).

The act allows a transferor to appoint one or more trust directors, including directors with authority to (1) remove and appoint qualified trustees or trust directors or (2) direct, consent to, or disapprove of trust dispositions. A transferor may serve as trust director, but if so, his or her authority is limited to the right to veto trust distributions (§ 101).

Claims against Trust Property (§§ 105-107)

The act generally establishes rules that protect APTs from creditors' claims.

Under the act, certain types of claims may be brought, including claims under the Uniform Fraudulent Transfer Act (UFTA) and claims resulting from the following, if the support obligation or injury, as applicable, occurred on or before the date of a qualified disposition:

1. the transferor's breach of an agreement or court order about child support or alimony and
2. death, injury, or property damage for which the transferor is liable (§ 106).

The act sets deadlines for when a creditor may bring claims under the UFTA. For example, if the claim arose after a qualified disposition, the lawsuit must be filed within four years after the disposition.

Under the act, if a court declines to apply Connecticut law in an action brought against a trustee of a trust funded by a qualified disposition, the trustee must immediately cease serving as trustee. The trustee must turn over the trust property to the successor trustee (§ 105(g)).

The act allows a qualified disposition to be avoided only to the extent necessary to satisfy the transferor's debt to the creditor, along with any court-allowed costs, including attorney's fees. In these cases, the act establishes certain protections for trustees and beneficiaries who did not act in bad faith. For example, the trustee has a first and paramount lien against the property that is subject to the disposition in an amount equal to the trustee's entire cost, including attorney's fees, in defending the case to avoid the disposition.

Under the act, the creditor has the burden of proving by clear and convincing evidence that a trustee or beneficiary acted in bad faith. However, if the beneficiary is also the transferor, the creditor must show bad faith by a preponderance of the evidence.

§ 109 — APPLICABILITY

Establishes rules for the act's applicability (e.g., it generally applies to all trusts no matter when created)

The act establishes rules for when the above provisions apply. For example, unless the act provides otherwise, it applies to:

1. all trusts created before, on, or after January 1, 2020;
2. all judicial proceedings concerning trusts begun on or after that date; and
3. judicial proceedings concerning trusts begun before that date, although if the court finds that applying a particular provision would substantially interfere with the proceeding or prejudice the parties' rights, that provision would not apply.

Among other things, the act specifies that it does not affect any act done before January 1, 2020.

§§ 110-118 & 120-123 — OTHER PROVISIONS

Makes minor, technical, and conforming changes

The act makes minor and conforming changes to probate statutes. It also makes certain related changes to such statutes. For example, the act specifies that unless court rules provide otherwise, a provision of a will excusing the trustee from rendering periodic accounts does not excuse the trustee from rendering a final account upon the trust's termination (§ 112).

§ 119 — RULE AGAINST PERPETUITIES

Generally extends, from 90 to 800 years, the period within which certain interests must vest

The common law rule against perpetuities provides that a future interest in property or power of appointment must vest, if at all, within 21 years after the death of a person who was alive when the interest was created. Under prior law, Connecticut's statutory rule created a vesting period of the later of (1) 90 years or (2) 21 years after the death of an individual alive at the time the interest was created.

Under the act, for a trust created on or after January 1, 2020, the act substitutes an 800-year period for the prior 90-year period, unless the trust's terms expressly require that all beneficial interests vest or terminate within a shorter period.

As under prior law, if the interest does not vest within these periods, it is void, with certain exceptions.

PA 19-138—sHB 7107 (VETOED)

Judiciary Committee

AN ACT CONCERNING THE THEFT OF WASTE VEGETABLE OIL OR ANIMAL FATS

SUMMARY: This act would have increased the penalty for the theft of waste vegetable oil or animal fats valued at \$1,000 or less. It would have done so by classifying the theft of these products as 4th degree larceny, which is a class A misdemeanor (see [Table on Penalties](#)).

Under existing law, the theft of up to \$500 of these products is 6th degree larceny (a class C misdemeanor), and the theft of more than \$500, up to \$1,000, is 5th degree larceny (a class B misdemeanor). Under existing law, the theft of these products valued at more than \$1,000 ranges from 4th to 1st degree larceny depending on the value of the stolen property.

The act would have defined “waste vegetable oil or animal fats” as used vegetable oil or animal fats being stored by a school, restaurant, institutional cafeteria, or other institution or business for collection and recycling, including conversion into a biodiesel blend.

EFFECTIVE DATE: October 1, 2019

PA 19-151—sSB 1055

Judiciary Committee

AN ACT ESTABLISHING A TASK FORCE TO STUDY THE JUROR SELECTION PROCESS, PROVIDING ACCESS TO CERTAIN RECORDS POSSESSED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND THE PSYCHIATRIC SECURITY REVIEW BOARD, AND CONCERNING SENTENCING OF PERSISTENT LARCENY OFFENDERS AND CONFIDENTIALITY UPON APPLICATION TO A DIVERSIONARY PROGRAM

SUMMARY: This act makes various changes to laws on criminal procedure and related statutes. It:

1. establishes a 15-member task force to study the state's juror selection process;
2. establishes conditions under which the Department of Mental Health and Addiction Services (DMHAS) must provide the attorney for an acquittee (i.e., a person found not guilty by reason of mental disease or defect) the right to review certain images or recordings of the acquittee;
3. limits the persistent larceny offender law to only those defendants whose two prior convictions are for larceny

committed within 10 years of the present larceny, and reduces the possible sentence enhancement under that law; and

4. requires courts to seal the records of defendants when they apply for certain pretrial diversionary programs, rather than later in the process as under prior law.

EFFECTIVE DATE: Upon passage, except the provision on persistent larceny offenders takes effect October 1, 2019.

§ 1 — JURY SELECTION TASK FORCE

The act establishes a 15-member task force to study jury selection in the state to determine whether (1) current processes result in a fair cross-section of the community being summoned for jury duty and (2) a fair cross-section of the community appears for jury service. The study's objective is to ensure that the state's selection processes encompass a full and fair representation of the community.

The task force may (1) collect statistics and conduct data analysis of jurors appearing for jury service, (2) review other jurisdictions' juror selection processes and procedures, and (3) conduct research consistent with the study's objectives.

Under the act, the task force consists of the following individuals or their designees:

1. the chief court administrator, chief state's attorney, chief public defender, attorney general, and jury administrator;
2. the presidents of the Connecticut Bar Association, South Asian Bar Association of Connecticut, George W. Crawford Black Bar Association, Connecticut Hispanic Bar Association, Connecticut Asian Pacific American Bar Association, Portuguese Bar Association of Connecticut, and Connecticut Italian-American Bar Association; and
3. the deans of UConn School of Law, Quinnipiac University School of Law, and Yale Law School.

The act requires task force appointments to be made within 30 days after the act's passage. The appointing authority fills any vacancy.

The chief court administrator must select the task force chairpersons from among its members. The chairpersons must schedule the first task force meeting, to be held within 60 days after the act's passage. The Judiciary Committee's administrative staff serves in that capacity for the task force.

By July 1, 2020, the task force must report to the Judiciary Committee and the chief court administrator on its findings and recommendations, which may include legislative recommendations to enhance how juries reflect the community. The task force terminates on the date it submits the report or July 1, 2020, whichever is later.

§ 2 — ACQUITTEE IMAGES AND RECORDINGS

The act establishes conditions under which DMHAS must provide an acquittee's attorney the right to review certain images or recordings of the acquittee.

These provisions apply to (1) acquittees under the jurisdiction of the Psychiatric Security Review Board (PSRB) who are being treated at a DMHAS inpatient facility and (2) the photographs and video and audio recordings of an acquittee, taken within the facility or on its property and stored on any device. Subject to the conditions below, the acquittee's attorney has the right to review these images or recordings in any matter before the PSRB or Superior Court related to the PSRB's jurisdiction.

To review the images or recordings, the attorney must send a written request to the facility's director. The director must allow this review to occur within 30 days after receiving the request, as long as the:

1. acquittee, and any other identifiable patient in the image or recording, consents;
2. review complies with specified existing law on PSRB hearings (CGS § 17a-596(d)); and
3. image or recording is not the subject of a pending local or state criminal investigation, including one by DMHAS agency police, for which there is a record of an investigation or pending prosecution.

The act requires DMHAS, when granting the attorney access to the images or recordings, to comply with all other state laws and federal laws and regulations on record confidentiality and protected health information for psychiatric patients. It also specifies that these images and recordings remain DMHAS property and must be used and maintained in compliance with all applicable state and federal laws and regulations.

§ 3 — PERSISTENT LARCENY OFFENDERS

The persistent larceny offender law allows courts to impose sentence enhancements on certain defendants with at least three larceny convictions. It applies to defendants awaiting sentencing for 4th, 5th, or 6th degree larceny who have two

separate, prior larceny convictions. The act limits this law to defendants with two prior convictions committed within 10 years of the present larceny.

Under prior law, if the defendant was classified as a persistent larceny offender, the court could impose the prison sentence for a class D felony (i.e., up to five years) rather than the standard sentence for the crime. For cases where the defendant commits the present larceny crime on or after October 1, 2019, the act instead gives courts the option to impose the prison sentences shown in the table below.

The Act's Allowable Sentence Enhancements for Persistent Larceny Offenders

<i>Present Conviction</i>	<i>Standard Prison Sentence</i>	<i>Act's Allowable Alternative Prison Sentence</i>
4 th degree larceny (class A misdemeanor)	Up to one year	Sentence for a class E felony (up to three years)
5 th degree larceny (class B misdemeanor)	Up to six months	Sentence for a class A misdemeanor (up to one year)
6 th degree larceny (class C misdemeanor)	Up to three months	Sentence for a class B misdemeanor (up to six months)

§§ 4-6 — RECORD SEALING UPON APPLICATION FOR CERTAIN DIVERSIONARY PROGRAMS

The act requires the court to seal a defendant's records from the public when the defendant applies for the pretrial alcohol education, pretrial drug education and community service, or school violence prevention programs.

Under prior law, the records were sealed when the defendant paid the required program fees and stated certain matters under oath about his or her eligibility in open court or before someone designated by the court clerk, as applicable based on the program involved. The act keeps the existing requirement for defendants to state such matters under oath and pay any applicable fees, but it is no longer a prerequisite to sealing the records.

PA 19-160—sHB 7126

Judiciary Committee

AN ACT CONCERNING THE AWARD OF DOUBLE OR TREBLE DAMAGES TO AN INJURED PARTY IN A CIVIL ACTION RESULTING FROM CERTAIN TRAFFIC VIOLATIONS

SUMMARY: This act adds using a cell phone or mobile electronic device while driving to the motor vehicle violations for which double or triple damages may be awarded in certain circumstances.

By law, in civil actions to recover damages for personal injury, wrongful death, or property damage, the jury or judge may award double or triple damages if (1) the defendant committed the motor vehicle violation deliberately or with reckless disregard and (2) the violation was a substantial factor in causing the injury, death, or property damage. The injured party must make a specific pleading on this issue. If the defendant was driving a rented or leased vehicle, the vehicle owner is not responsible for double or triple damages unless the damages arose from the owner's operation of the vehicle.

Under existing law, the other motor vehicle offenses for which a jury or judge may award double or triple damages under these circumstances include, among others, speeding (CGS § 14-219), reckless driving (CGS § 14-222), driving under the influence of drugs or alcohol (CGS § 14-227a), and passing in a no-passing zone (CGS § 14-234).

EFFECTIVE DATE: July 1, 2019, and applicable to any civil action pending on, or filed on or after, that date.

BACKGROUND

Using a Cell Phone or Mobile Electronic Device While Driving

By law, it is generally a motor vehicle violation to operate a vehicle while:

1. using a cell phone to make a phone call,
2. using a mobile electronic device, or
3. typing, sending, or reading a text message on a cell phone or mobile electronic device.

The law provides certain exceptions, such as for using these devices to communicate with emergency responders or health care professionals during an emergency situation.

It is a \$150 fine for a first violation, \$300 fine for a second violation, and \$500 fine for a third or subsequent violation (CGS § 14a-296aa).

PA 19-167—sHB 7217

Judiciary Committee

AN ACT CONCERNING THE RELEASE OF INMATES SUFFERING FROM OPIOID USE DISORDER AND REPEALING OBSOLETE DEPARTMENT OF CORRECTION STATUTES

SUMMARY: This act requires the Department of Correction (DOC) commissioner to provide information on opioid use disorder treatment options to inmates who self-identify as suffering from, or relapsing with, an opioid use disorder. The information must (1) be provided at least 45 days before the inmate is released from DOC custody, including release subject to parole or to a supervised community setting (e.g., a halfway house), and (2) include ways to access treatment options after being released into the community.

The act also repeals obsolete DOC statutes on (1) employing prisoners sentenced to death (this penalty was repealed under state law in 2012 and found unconstitutional by the state Supreme Court for previously sentenced inmates in 2015); (2) the Enfield Medium Correctional Institution (the facility closed on January 23, 2018); and (3) a debit account system pilot program for inmate phone calls.

EFFECTIVE DATE: October 1, 2019, except the repeal of obsolete DOC statutes is effective upon passage.

PA 19-169—HB 7190

Judiciary Committee

AN ACT EXTENDING GOOD SAMARITAN PROTECTIONS FOR PERSONS OR ENTITIES THAT INCLUDE AN OPIOID ANTAGONIST WITHIN A CABINET CONTAINING AN AUTOMATIC EXTERNAL DEFIBRILLATOR

SUMMARY: Under certain conditions, this act grants civil immunity to individuals or entities that provide or maintain an automatic external defibrillator (AED) in a cabinet that also contains an opioid antagonist (e.g., Narcan) used to reverse drug overdoses. Under the act, these individuals are not liable for ordinary negligence for their acts or omissions in making the opioid antagonist available. The immunity does not apply to gross, willful, or wanton negligence.

Existing law provides civil and criminal immunity related to administering opioid antagonists, including allowing people who are not health professionals to administer them (see BACKGROUND). It also provides civil immunity, under certain conditions, to (1) people or entities who provide or maintain an AED or (2) anyone who operates an AED not in the course of his or her employment (CGS § 52-557b).

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Existing Immunity Related to Opioid Antagonists

Existing law provides civil and criminal immunity to people who are not health professionals and who, if acting with reasonable care, administer an opioid antagonist to a person they believe in good faith is experiencing an opioid-related overdose.

The law also provides civil and criminal immunity to:

1. licensed health care professionals who administer an opioid antagonist to treat an opioid-related overdose; and
2. licensed health care professionals who prescribe or dispense it to treat a drug overdose, if authorized by law to prescribe it (CGS § 17a-714a).

Related Act

PA 19-113 extends immunity from civil liability to physicians, dentists, and nurses who operate an AED for personal injury damages caused by the AED's malfunctioning, if the malfunctioning was not due to the provider's negligence.

PA 19-181—sHB 7340*Judiciary Committee*

AN ACT CONCERNING THE USE OF VEIL PIERCING TO DETERMINE THE PERSONAL RESPONSIBILITY OF AN INTEREST HOLDER OF A DOMESTIC ENTITY FOR THE DEBTS, OBLIGATIONS OR OTHER LIABILITIES OF SUCH ENTITY AND THE RESPONSIBILITY OF A DOMESTIC ENTITY FOR THE DEBTS, OBLIGATIONS OR OTHER LIABILITIES OF AN INTEREST HOLDER OF SUCH ENTITY

SUMMARY: “Veil piercing” is a common law doctrine that allows a court to impose personal liability on interest holders of an entity (e.g., a corporation) for the entity's actions, despite statutory limitations that generally grant them immunity.

This act sets specific conditions that must be met in granting a veil piercing claim to override limitations on a domestic entity interest holder's liability in connection with the entity's transactions. (Under the act, a “domestic entity” is an entity whose internal affairs are governed by Connecticut law.) In doing so, the act generally codifies the “instrumentality test,” one of two methods Connecticut courts use to determine whether to grant a veil-piercing claim.

Under the act, a court may override statutory limitations on an interest holder's liability for an entity's debt, obligation, or other liability only if the court makes certain findings in accordance with its provisions. These findings include, among other things, that the interest holder used his or her domination or control over the entity to commit fraud or another violation of the law or his or her duties, which proximately caused injury or loss to the claimant. The act also specifies that a domestic entity's failure to observe formalities relating to exercising its powers or managing its activities and affairs is not grounds to impose personal liability on an interest holder for the entity's debt, obligation, or other liability based on a veil piercing claim.

The act additionally prohibits “reverse veil piercing,” in which a domestic entity is held responsible for an interest holder's debt, obligation, or other liability.

EFFECTIVE DATE: Upon passage and applicable to civil actions filed on or after that date.

ENTITIES, AFFILIATES, AND INTEREST HOLDERS

Under the act, an “entity” is:

1. a business or nonstock corporation;
2. a limited partnership, including a limited liability limited partnership;
3. an LLC or limited liability partnership; or
4. any other person that (a) has a separate legal existence and (b) is subject to the law's provisions that grant its interest holders immunity from personal liability for its debt, obligation, or other liability solely for being or acting as an interest holder.

An “affiliate” means, with respect to a specified person, any other person directly or indirectly controlling, controlled by, or under common control with that person.

An “interest holder” is the direct holder of a (1) governance interest in an unincorporated entity, (2) transferable interest in an unincorporated entity, or (3) share or membership in a corporation.

COURT FINDINGS

Under the act, in order to find that a statutory limitation on interest holder liability may be disregarded on the basis of a veil piercing claim as described above, the court must find by a preponderance of the evidence the following:

1. the interest holder exerted complete domination and control over the entity's management, finances, policies, and activities with respect to the transaction;
2. the interest holder used the domination and control to (a) commit fraud or other intentional wrong-doing against the person asserting the veil piercing claim, (b) intentionally violate a statutory or common law duty to that

- person, or (c) commit a deceitful or other unlawful act against that person; and
3. the domination and control and the breach of duty or other act proximately caused injury or loss to the person asserting the veil piercing claim.

Under the act, the person seeking to hold the interest holder responsible for the domestic entity's liabilities has the burden of proof.

CONSIDERATIONS

When making the above determination, the court must consider certain factors, including whether:

1. the entity was adequately capitalized;
2. the entity distributed or otherwise transferred assets to the interest holder without a lawful business purpose;
3. there were overlapping interest holders, governors, or other management personnel between the entity and the interest holder;
4. the interest holder shared office spaces, addresses, and telephone numbers with the entity without paying fair consideration;
5. transactions involving the entity and the interest holder were at arm's length and for fair consideration;
6. the entity's funds were commingled with the interest holder's funds;
7. the entity was treated as a separate legal entity for financial and other business purposes as evidenced by having its own contractual relationships, bank accounts, account books, and financial statements;
8. the entity was insolvent or rendered insolvent by the interest holder's acts; and
9. the interest holder used the entity's property without paying fair consideration.

These provisions also apply to such actions involving the interest holder's affiliates.

PA 19-182—sHB 7343

Judiciary Committee

AN ACT CONCERNING THE OFFICE OF THE CLAIMS COMMISSIONER

SUMMARY: This act makes several changes in the laws governing claims against the state.

The act increases, from \$20,000 to \$35,000, the maximum claim that the claims commissioner may award without legislative approval.

It allows a claimant to seek legislative review if he or she filed a claim exceeding \$50,000 and the claims commissioner dismisses the claim or orders a payment of \$35,000 or less. Under prior law, these thresholds were \$20,000.

It increases, from \$5,000 to \$10,000, the maximum claim for which the claims commissioner or a magistrate can waive a hearing and proceed on the parties' affidavits (§ 1). As under prior law, the commissioner or magistrate can do so on their own motion or that of a claimant or the state.

The act allows the claims commissioner to hold a hearing on the sole issue of the state's liability if the claimant exclusively seeks permission to sue the state (§ 4). It allows the (1) commissioner to adopt procedural rules for these hearings and (2) state to present the claimant's lack of damages as an affirmative defense. By law, a party has the burden of establishing an affirmative defense by a preponderance of the evidence.

For claims of alleged medical malpractice, the act authorizes claimants to sue the state if the statute of limitations for filing the claim has not expired, without requiring the claimant to submit a notice of claim and good faith certificate to the claims commissioner.

Lastly, the act allows a magistrate, designated by the commissioner, to issue a decision on a claim's final disposition, not just hear cases and make related recommendations as under prior law (§ 5).

EFFECTIVE DATE: October 1, 2019, and the provisions on claim thresholds, hearing waivers, hearings on liability only, and medical malpractice are applicable to claims filed on or after October 1, 2019.

§§ 2 & 3 — THRESHOLDS FOR DIRECT PAYMENT OR LEGISLATIVE REVIEW

By law, most claims against the state must be filed with the office of the claims commissioner. The commissioner may deny or dismiss a claim, authorize the claimant to sue the state, or (depending on the amount) order payment directly or recommend that the legislature approve payment.

The act increases the thresholds at which (1) the commissioner can order payment directly or must seek legislative review or (2) the claimant can otherwise request legislative review.

Under the act, the commissioner may (1) order payment of a just claim up to \$35,000 or (2) recommend to the legislature payment of a just claim exceeding \$35,000. A person filing a claim exceeding \$50,000 may request legislative review if the claims commissioner dismisses the claim or orders a payment of \$35,000 or less. Prior law set each of these thresholds at \$20,000.

The act makes conforming changes to the laws on claims submitted to the legislature for review (see BACKGROUND).

By law, a “just claim” is one which in equity and justice the state should pay, provided the state caused damage or injury or received a benefit.

§ 4 — MEDICAL MALPRACTICE

Under prior law, if a claimant sought to file a lawsuit against the state for medical malpractice, the attorney or claimant had to first submit to the claims commissioner a notice of claim and the certificate of good faith that is required in all medical malpractice lawsuits. This certificate must include an affidavit supporting the certificate from a similar health care provider.

Under the act, the claimant may instead directly file a lawsuit as long as it is filed before the statute of limitations for the claim expires. The act specifically authorizes such claimants to sue the state, as an exception to the general rule requiring that most claims be presented to the claims commissioner. The lawsuit must be limited to medical malpractice claims. As with other medical malpractice lawsuits, the claimant must file with the court the good faith certificate and accompanying affidavit from a similar provider.

By law, a claim against the state for personal injury, including alleged medical malpractice, generally must be filed within one year after the injury was sustained or discovered, or with reasonable care should have been discovered, but no later than three years from the date the injury was sustained (CGS § 4-148(a)).

BACKGROUND

Legislative Review of Claims

Claims submitted to the legislature are filed as resolutions with the Judiciary Committee. The committee holds a public hearing on the resolutions and votes on them at a committee meeting. The House and Senate can then debate and vote on them. For each claim, the legislature may (1) confirm the commissioner’s decision or recommendation, (2) order payment of a different amount, (3) deny payment, (4) authorize the claimant to sue the state, or (5) remand the claim to the commissioner’s office to conduct further proceedings (unless the commissioner granted the claimant permission to sue the state).

PA 19-187—sHB 7389

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE

SUMMARY: This act makes various changes in the juvenile justice laws. Principally, it does the following:

1. allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced (§ 1);
2. generally makes the proceedings and records of cases transferred from juvenile to adult court confidential (§ 1);
3. (a) requires the Department of Correction (DOC) commissioner and Court Support Services Division (CSSD) executive director to ensure that independent ombudsperson services are available at their juvenile detention centers or correctional facilities where individuals younger than age 18 are detained and (b) makes these ombudspersons and certain other facility employees mandated reporters of child abuse and neglect (§§ 6 & 7);
4. requires the Juvenile Justice Policy and Oversight Committee (JJPOC) to (a) review methods other states use to detain and transfer children ages 15 through 17 from juvenile to adult court and (b) devise a plan to implement

- changes in Connecticut by July 1, 2021 (§ 2);
5. requires the DOC commissioner and CSSD executive director to (a) develop and implement best practices in juvenile detention centers and correctional facilities where individuals age 17 and younger are detained and (b) provide monthly reports to JJPOC on each instance when chemical agents or prone restraints were used on detained children (§§ 3 & 4);
 6. requires an official from state agencies and municipalities that incarcerate or detain juvenile offenders to certify that they comply with federal Prison Rape Elimination Act (PREA) standards to the Office of Policy and Management's (OPM) Criminal Justice Policy and Planning Division (§ 5); and
 7. postpones from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a family with service needs (FWSN) petition with juvenile court (§§ 8-10).

EFFECTIVE DATE: Various, see below.

§ 1 — TRANSFERRED CASES

Return to Juvenile Court

Under existing law, the juvenile court must automatically transfer a delinquency case to the adult criminal court docket if the child is at least age 15 and charged with murder with special circumstances, a class A felony, or certain class B felonies. Otherwise, transferring a case where a juvenile is charged with a felony is at the court's discretion and may occur only if the prosecutor makes a motion and the court makes certain findings at the transfer hearing.

The act allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced to a charge that would have allowed the transfer to be discretionary. It subjects such returns to existing law's requirements for returns of discretionary transfers (i.e., the return must be for good cause shown and done before the court or jury renders a verdict or the defendant pleads guilty).

Confidentiality

Under the act, when a case is transferred from the juvenile delinquency court to the adult criminal docket, the transferred proceeding must be private and conducted separately and apart from the other parts of the court that are being used for proceedings involving adult defendants. The records generally must remain confidential, as required for juvenile records under existing law, unless and until a guilty plea or verdict is entered in the case on the regular criminal docket.

The act makes an exception to these confidentiality requirements for victims of such crimes. It allows victims to access the records or any part of them to the same extent that a victim may access the records of an adult defendant in a criminal proceeding. In such circumstances, the court must designate an official from whom the victim may request the records. Any such records disclosed under the act to a victim may not be further disclosed.

EFFECTIVE DATE: October 1, 2019

§ 2 — JJPOC REQUIREMENTS

The act requires JJPOC to review methods other states use to (1) transfer juvenile cases to the adult criminal docket and (2) detain children ages 15 through 17 whose cases are transferred to that docket. The review must consider the following:

1. transfers of juvenile cases to the adult docket and outcomes associated with these transfers, including the impact on public safety and the effectiveness in changing juveniles' behavior, and
2. pre- and post-adjudication detention, including an examination of organizational and programmatic alternatives.

By January 1, 2020, JJPOC must report on the review to the Judiciary Committee and include a plan for implementing any recommended changes, with cost options where appropriate, by July 1, 2021.

EFFECTIVE DATE: October 1, 2019

§§ 3 & 4 — DOC AND CSSD REQUIREMENTS

Best Practices Policy (§ 3)

The act requires the DOC commissioner and the CSSD executive director, by July 1, 2020, and in consultation with the Department of Children and Families (DCF) commissioner, to develop a best practices policy in juvenile detention

centers and correctional facilities where individuals age 17 and under are detained. The practices must address the following:

1. suicidal and self-harming behaviors, including developing a screening tool to determine which detained individuals are at risk for those behaviors;
2. negative impacts of solitary confinement;
3. harmful effects of using chemical agents and prone restraints on detained individuals, including limiting and documenting the use of chemical agents and limiting the use of prone restraints; and
4. programming and services for detained individuals, including (a) implementing behavior intervention plans for those whose behavior interferes with other detained individuals' safety or rehabilitation and (b) providing trauma-responsive rehabilitative, pro-social, and clinical services in their schedule.

The policy must additionally provide developmentally healthy and appropriate activities and recreational opportunities for the detained individuals and their families during visitation periods that are designed to strengthen family bonds and minimize separation trauma. The visitations must include contact visits, unless such a visit creates a risk of harm to anyone.

The act requires the DOC commissioner and CSSD executive director to implement the best practices policy by July 1, 2021, in juvenile detention centers and correctional facilities they oversee or operate where individuals age 17 and under are detained.

Reporting Requirements (§§ 3 & 4)

The act requires the DOC commissioner and CSSD executive director to annually report to JJPOC, no later than January 15, on the following information for the previous calendar year regarding facilities they oversee or operate where individuals age 17 and younger are detained:

1. suicidal and self-harming behaviors that detainees exhibit;
2. use of force against, and imposition of physical isolation on, detainees; and
3. any educational or mental health concerns for detainees.

The act also requires the DOC commissioner and CSSD executive director to report monthly to JJPOC, starting by August 1, 2020, on each instance in which chemical agents or prone restraints were used on any detainee age 17 or younger.

EFFECTIVE DATE: Upon passage, except that the chemical agent or prone restraint monthly reporting provision is effective July 1, 2020.

§ 5 — PREA COMPLIANCE

By law, state agencies and municipalities that incarcerate or detain adult or juvenile offenders must, within available appropriations, adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission (i.e., PREA standards) for preventing, detecting, monitoring, and responding to sexual abuse in prisons, jails, correctional facilities, juvenile facilities, and lock-ups.

The act requires any state agency head or the chief elected official or governing legislative body of any municipality that incarcerates or detains juvenile offenders to annually certify, by January 15, that it complies with the PREA standards to OPM's Criminal Justice Policy and Planning Division.

EFFECTIVE DATE: July 1, 2020

§§ 6 & 7 — INDEPENDENT OMBUDSPERSON AND MANDATED REPORTERS

Independent Ombudsperson Services (§ 7)

The act requires the DOC commissioner and CSSD executive director to ensure that independent ombudsperson services are provided and available at any juvenile detention center or correctional facility they operate or oversee where individuals age 17 and younger are detained.

Under the act, "independent ombudsperson services" include:

1. touring each such center or facility;
2. receiving complaints from individuals detained in such centers or facilities, and their parents or guardians, about the center's or facility's decisions, actions and omissions, policies, procedures, rules, and regulations;
3. investigating each of the above complaints, rendering a decision on the complaint's merits, and communicating the decision to the complainant;

4. recommending to the agency head who oversees or operates the center or facility a resolution of any complaint with merit; and
5. recommending policy revisions to the head of the center or facility.

Mandated Reporters (§ 6)

The act expands the list of professionals who are mandated reporters of child abuse and neglect to include the above ombudspersons and any person who (1) is employed or contracted at juvenile detention facilities or other facilities where children younger than age 18 are detained and (2) has direct contact with children as part of such employment.

As mandated reporters, they must report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child younger than age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101a). A mandated reporter who fails to report may be subject to criminal penalties.

EFFECTIVE DATE: July 1, 2020

§§ 8-10 — FAMILY WITH SERVICE NEEDS (FWSN) PETITIONS

The act postpones by one year, from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a FWSN petition with the juvenile court for a child who (1) commits certain status offenses, such as running away from home, or (2) is out of the control of his or her parent or guardian. It also makes related conforming changes.

By law, a court that adjudicates a child as being from a FWSN can take various actions, such as referring the child to DCF for voluntary services or placing the child on probation.

EFFECTIVE DATE: July 1, 2019

PA 19-188—sHB 7394

Judiciary Committee

AN ACT CONCERNING THE PROTECTION OF CONFIDENTIAL COMMUNICATIONS BETWEEN A FIRST RESPONDER AND A PEER SUPPORT TEAM MEMBER

SUMMARY: This act makes oral and written communications between a first responder and a peer support team member confidential with certain exceptions. The confidentiality applies only to (1) communications made in confidence in the course of a first responder’s participation in a peer support program established by his or her employer and (2) all records prepared by a team member related to a first responder’s program participation. The act generally prohibits a peer support team member from disclosing those communications unless the first responder waives the privilege.

Under the act, “first responder” means:

1. certain peace officers and firefighters (see BACKGROUND);
2. privately employed firefighters;
3. ambulance drivers;
4. certified emergency medical responders, emergency medical technicians, or advanced emergency medical technicians;
5. licensed paramedics; and
6. telecommunication operators employed by a public or private safety agency whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

The act defines a “peer support team member” as any person who directs or staffs any employer-established peer support program for first responders.

EFFECTIVE DATE: October 1, 2019

DISCLOSURE PROHIBITIONS

The act generally prohibits a peer support team member from disclosing confidential communications to any third party and in any civil, criminal, legislative, or administrative proceeding. The act also prohibits anyone in those proceedings from requesting or requiring a first responder to provide information about his or her participation in a peer support program, including whether the first responder was ever in such a program.

DISCLOSURE EXCEPTIONS

Under the act, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to accomplish the purpose for which he or she was consulted. Additionally, peer support team members do not need a first responder's consent to disclose these communications under the following circumstances:

1. when statutorily mandated to do so;
2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, including the first responder; and
3. if they were witnesses or parties to an incident that resulted in the delivery of peer support services to the first responder.

BACKGROUND

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction (DOC) officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

PA 19-108 expands the above statutory definition of peace officer to include motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council certification.

Firefighters

By law, the following individuals are designated firefighters: any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators (CGS § 7-313g).

Related Act

PA 19-17 generally requires, among other things, DOC and each law enforcement unit, municipal or state paid or volunteer fire department, and municipal entity employing a firefighter (as defined in the act) to make peer support available to their respective parole officers, police officers, and firefighters.

PA 19-189—sHB 7396

Judiciary Committee

AN ACT CONCERNING PARITY BETWEEN SEXUAL ASSAULT IN THE CASE OF A SPOUSAL OR COHABITATING RELATIONSHIP AND OTHER CRIMES OF SEXUAL ASSAULT AND CONCERNING THE INVESTIGATION OF A FAMILY VIOLENCE CRIME

SUMMARY: This act repeals the law that specifically criminalized sexual assault in a spousal or cohabiting relationship, but it simultaneously subjects married individuals to penalties for other sexual assault offenses. It does so by repealing exemptions for married individuals from the definitions of “sexual intercourse” and “sexual contact” in the sexual offense statutes.

Under prior law, it was a class B felony (see [Table on Penalties](#)) for a spouse or cohabitor to compel the other spouse or cohabitor to engage in sexual intercourse by the use of force or threatened use of force that reasonably caused the other person to fear physical injury (i.e., “sexual assault in a spousal or cohabiting relationship”). Under the act, a spouse may be charged, depending on the circumstances, with 1st, 2nd, or 3rd degree sexual assault, aggravated 1st degree sexual assault, or 3rd degree sexual assault with a firearm, for compelling his or her spouse to submit to sexual contact or

intercourse by force or threatened force.

The act also narrows the exceptions to the law that requires a peace officer, in responding to a family violence complaint (see BACKGROUND) made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor.

Additionally, the act makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2019, except the provision on the dominant aggressor law exemptions is effective July 1, 2019.

SEXUAL ASSAULT OF A SPOUSE

Due to the act's changes to the definitions of "sexual intercourse" and "sexual contact" as described above, the act adds the following offenses to those for which a spouse who commits sexual assault may be charged:

1. 1st degree sexual assault if he or she compels his or her spouse to engage in sexual intercourse by the use of force against the spouse or a third person, or by a threat of such force that causes the spouse to fear physical personal injury or injury to a third person;
2. aggravated 1st degree sexual assault if he or she commits 1st degree sexual assault and, while doing so (a) uses, is armed with and threatens to use, or displays or represents that he or she possesses, a dangerous weapon; (b) injures his or her spouse intending to seriously and permanently disfigure or disable him or her; (c) recklessly engages in conduct creating a risk of death to the spouse under circumstances showing an extreme indifference to human life; or (d) is aided by two or more individuals present;
3. 2nd degree sexual assault if he or she engages in sexual intercourse with his or her spouse who is (a) physically helpless or (b) impaired because of mental disability or disease to the extent that the victim-spouse is unable to consent to intercourse;
4. 3rd degree sexual assault if he or she uses or threatens to use force to compel his or her spouse to submit to sexual contact;
5. 3rd degree sexual assault with a firearm if he or she commits 3rd degree sexual assault while using, armed with and threatening to use, or displaying or representing by words or conduct that he or she has a firearm; and
6. 4th degree sexual assault if he or she subjects the spouse to sexual contact without the spouse's consent or if the spouse is (a) physically helpless or (b) mentally incapacitated or impaired because of mental disability or disease to the extent that he or she is unable to consent to such contact (PA 19-16 and PA 19-93 increase the penalty for the latter crime; see BACKGROUND, *Related Acts*).

DOMINANT AGGRESSOR LAW EXEMPTIONS

Existing law generally requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. Under the act, this does not apply to only the following individuals, unless they are family or household members: (1) college or university students residing in on- or off-campus housing owned, managed, or operated by the higher education institution or (2) tenants who live together in a residential rental property. Under prior law, it did not apply to college or university roommates in on-campus housing or such tenants, unless such roommates or tenants were in a dating relationship.

For these purposes, "family or household members" include:

1. spouses or former spouses;
2. parents or their children; or
3. individuals related by blood or marriage who (a) have a child in common regardless of whether they are or have been married or have lived together at any time or (b) who are dating or who have recently been in a dating relationship.

BACKGROUND

Family Violence

By law, "family violence" is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. It does not include verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

Related Acts

PA 19-16 and PA 19-93 increase the penalty, from 4th to 3rd degree sexual assault, to subject someone to sexual contact if the victim is mentally incapacitated or impaired due to mental disability or disease to the extent that he or she cannot consent.

PA 19-44—sHB 6403
Committee on Children

AN ACT CONCERNING A CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS AND THE SIBLING BILL OF RIGHTS

SUMMARY: This act establishes a bill of rights and expectations for children placed by the Department of Children and Families (DCF) in out-of-home care pursuant to a temporary custody or commitment order (i.e., the “Children in Care Bill of Rights and Expectations”). It ensures certain rights for such children absent extraordinary circumstances related to their health or safety or unless otherwise indicated in their case plan.

The act also requires each such child’s caseworker, if the child is an appropriate age, to meet privately with him or her and provide and explain the bill of rights and expectations annually and at any time he or she is placed in a new out-of-home placement. (The act does not specify what constitutes an “appropriate age” for these purposes.)

Beginning July 1, 2019, the act removes the requirement that DCF share a copy of its “Siblings Bill of Rights” (see BACKGROUND) with each child placed in DCF custody. However, beginning January 1, 2020, it institutes a similar requirement for caseworkers, when applicable and appropriate, to provide and explain the Sibling Bill of Rights to each such child annually and at any time the child is placed in a new out-of-home placement. Caseworkers must certify their compliance with the act’s requirements.

EFFECTIVE DATE: July 1, 2019

CHILDREN IN CARE BILL OF RIGHTS AND EXPECTATIONS

The Children in Care Bill of Rights and Expectations established under the act gives certain rights to children placed by DCF in out-of-home care and assigns certain responsibilities to their guardians. These provisions apply unless (1) there are extraordinary circumstances related to the child’s health or safety or (2) the child’s case plan indicates otherwise.

Children’s Rights

The bill of rights and expectations gives these children the right to:

1. develop and maintain their own values, hopes, goals, religion, spirituality, and identity, including racial, sexual, and gender identity, in a safe and caring environment;
2. visitation or ongoing contact with their parents, siblings, extended family and friends;
3. assistance in connecting or reconnecting with their birth family if desired;
4. placement in a safe environment in their home community and preplacement visits to such places when possible;
5. meaningful participation in developing their case and permanency plans, including the ability to select individuals to participate in meetings about those plans;
6. meaningful and regular in-person contact with their caseworker, who must respond to their phone calls and correspondence in a timely manner; and
7. stability and support in all aspects of their education.

Guardian’s Responsibilities

The bill of rights and expectations requires these children’s guardians to:

1. emphasize trust, understanding, empathy, and communication to maintain a healthy relationship with the child;
2. set appropriate boundaries for curfews, homework, and household responsibilities to provide a stable living environment;
3. assist the child in (a) building life skills, including grocery shopping, cooking meals, personal financial management, and washing laundry; (b) obtaining legal documents and licenses, including a birth certificate, Social Security card, state identification card, and driver’s license; and (c) participating in extracurricular and enrichment activities and obtaining networking and employment skills;
4. apply the same age-appropriate household rules and provide the same opportunities to all children residing in the home, including participation in family activities and vacations;
5. participate in therapy sessions with the child upon request or when appropriate;
6. participate in additional foster parent training programs when possible; and
7. allow the child to have age-appropriate personal privacy and privacy in their personal items and communications, including journals, letters, emails, phone calls, and text messages.

CASEWORKER RESPONSIBILITIES

During the meetings between a child and his or her caseworker required under the act, the caseworker must provide the child with a copy of the Children in Care Bill of Rights and Expectations and also, starting January 1, 2020, the Sibling Bill of Rights, if applicable and appropriate. Prior law required DCF to share the Sibling Bill of Rights with such children, but the act pauses this requirement from July 1, 2019, through December 31, 2019.

Additionally, the caseworker must do the following at the initial and any subsequent annual meeting with the child:

1. review the child's rights under the bills;
2. (a) inform the child that he or she may contact the caseworker, an attorney, the DCF regional or ombudsman's office, or the Office of the Child Advocate if these rights have not been met or have been violated and (b) provide the necessary contact information; and
3. inform the child that he or she may dial or send a text message to 9-1-1 if in physical danger or experiencing a medical emergency.

The caseworker must certify compliance with these requirements on a commissioner-prescribed form. The form must include (1) an acknowledgement for the child to sign, if appropriate, that the caseworker provided him or her with copies of the rights and reviewed them and (2) notice that if the child refuses to sign the acknowledgement, the caseworker must indicate that on the form.

BACKGROUND

Sibling Bill of Rights

State law required DCF, with the help of its Youth Advisory Board, to develop a Sibling Bill of Rights that lists ways to protect the relationships of siblings separated as a result of DCF intervention (CGS § 17a-10c). This bill of rights, which is incorporated in DCF policy, gives siblings certain rights absent extraordinary circumstances or certain exclusions in law. It includes the right to (1) placement with siblings, (2) consistent and regular contact with siblings, and (3) notification of a sibling's change of placement.

PA 19-96—SB 884

Committee on Children

Judiciary Committee

AN ACT CONCERNING THE ADMINISTRATION OF EPINEPHRINE AT THE DEPARTMENT OF CHILDREN AND FAMILIES WILDERNESS SCHOOL

SUMMARY: The Department of Children and Families' Wilderness School is a prevention, intervention, and transition program for youth that is located in East Hartland, Connecticut and licensed as a youth camp by the Office of Early Childhood (OEC).

This act authorizes qualified wilderness school employees (i.e., appropriately trained employees age 18 or older) to administer epinephrine by a premeasured, commercially prepared auto-injector (e.g., EpiPen) for emergency first aid purposes to a student who experiences a presumed allergic reaction and does not have a prior written order from a qualified medical professional authorizing auto-injector use. The injector may be used only if a parent or guardian has previously provided written authorization.

The act requires the school director to keep injectors on the premises for emergency purposes. He must also ensure that the injectors are stored and labeled, and records concerning injector use are maintained, in a manner consistent with OEC youth camp regulations.

No qualified employee who administers an injector as permitted by the act may be held liable to the student or the student's parent or guardian for any personal injuries that result from acts or omissions that may constitute ordinary negligence in administering the injector. The immunity does not extend to acts or omissions that constitute gross, willful, or wanton negligence.

EFFECTIVE DATE: Upon passage

TRAINING

In order to be “appropriately trained” for the act’s purposes, an employee must successfully complete:

1. youth camp staff member training requirements, as prescribed by OEC youth camp regulations on administering medication to a student attending camp (see BACKGROUND), and
2. training within the last 12 months conducted by a pharmacist, physician, physician assistant, advanced practice registered nurse, or registered nurse.

The latter training must cover (1) how to identify common causes of allergic reactions, (2) signs and symptoms of mild and severe allergic reactions, (3) the ways anaphylaxis differs from other medical conditions, and (4) appropriate follow-up and reporting procedures after a child has experienced a presumed allergic reaction.

BACKGROUND

OEC Regulations

OEC regulations require youth camp staff members to receive training from a pharmacist, physician, physician assistant, advanced practice registered nurse, or registered nurse before administering medication to a child attending a camp. Before staff members may administer a commercially prepared auto-injector, they must additionally complete a training program on their administration taught by one of the above mentioned health professionals. After completing the initial auto-injector training, staff members must annually have their skills and competency in administering an injector evaluated by a health professional (Conn. Agencies Reg. § 19a-428-6(a)(2)(A)(iv)).

PA 19-106—sHB 6184

Committee on Children

AN ACT CONCERNING ACCESS TO INFORMATION ON EARLY CHILDHOOD INTERVENTIONS

SUMMARY: This act requires the Office of Early Childhood (OEC) to develop a one-page document (1) listing key developmental milestones for children from birth to age five and (2) notifying parents or guardians concerned that their child has not met any developmental milestones that they may access the OEC Child Development Infoline for information on appropriate services. OEC must create the document by January 1, 2020, and make it available on its website.

Beginning by February 1, 2020, each operator of a child care center or group or family child care home must post a copy of the document in a conspicuous place in the center or home.

EFFECTIVE DATE: July 1, 2019

PA 19-120—sSB 929

Committee on Children

AN ACT CONCERNING THE INCLUSION OF ADDITIONAL MANDATED REPORTERS, THE DURATION OF CHILD ABUSE AND NEGLECT INVESTIGATIONS, CHILD ABUSE AND NEGLECT REGISTRY CHECKS AND THE REPEAL OF CERTAIN REPORTING REQUIREMENTS OF THE DEPARTMENT OF CHILDREN AND FAMILIES

SUMMARY: This act adds the following individuals to the statutory list of mandated reporters of suspected child abuse and neglect:

1. those who have regular contact with and provide services to or on behalf of children through a contract with or credential from the Department of Children and Families (DCF),
2. victim services advocates employed by the Judicial Department’s Office of Victim Services, and
3. employees of a Court Support Services Division-operated or -contracted juvenile justice program (§ 1).

The act also requires DCF (1) for certain license applicants and DCF vendors, contractors, and employees, to check the child abuse and neglect registry in any state in which the individual resided in the previous five years, (2) for any

person 16 or older living in the household of certain license applicants, to check the child abuse and neglect registry in any state in which the person resided in the previous five years, and (3) to comply with any request from a child welfare agency of another state to check the child abuse and neglect registry (§§ 3-5).

Additionally, the act adjusts the time DCF has to complete a child abuse or neglect investigation from 45 calendar days to 33 business days (§ 2).

It also repeals a law requiring DCF to (1) annually report to the Children's Committee on certain at-risk children and youths in its care, including the number and age of runaway or homeless children who are living in psychiatric hospitals and (2) conduct case and service reviews for such children (§ 6).

Lastly, the act repeals an obsolete law requiring DCF to provide written notification to the guardian and attorney of a child committed to DCF care as a delinquent (1) within 10 days of the receipt of a report of suspected abuse or neglect of such a child and (2) within 10 days of the conclusion of a DCF investigation substantiating abuse or neglect (§ 6).

EFFECTIVE DATE: July 1, 2019, except that the mandated reporter provision takes effect October 1, 2019.

CHILD ABUSE AND NEGLECT REGISTRY CHECKS

§ 3 — DCF Vendors or Contractors

Existing law requires DCF to check the state child abuse and neglect registry for the names of DCF vendors or contractors and their employees who have access to DCF records or clients. The act specifies that this requirement applies to employees who have access to these records or who provide direct services to children or youths in DCF care and custody.

It additionally requires DCF to check the child abuse and neglect registry in any state in which any such vendor, contractor, or employee resided in the previous five years.

Existing law already requires these vendors, contractors, and employees to submit to state and national criminal history records checks.

§ 4 — Foster and Adoptive Parents

The act requires DCF to check the child abuse and neglect registry in any state in which the following individuals resided in the previous five years: any person (1) applying for foster care or adoption licensure or approval and (2) age 16 or older living in such applicant's household. The requirement applies to both initial and renewal applicants.

Existing law requires (1) any such applicant and any person age 16 or older living in the household of such applicant to submit to a state and national criminal history records check and (2) DCF to check the state child abuse and neglect registry for the name of these individuals.

The act specifies that individuals whom a licensed child placing agency approves to adopt are subject to the same requirements as those approved to provide foster care.

§ 5 — DCF-Licensed Child Care Facility Employees

Under existing law, DCF must require applicants for operating DCF-licensed child care facilities and child placing agencies to submit to state and national criminal history records checks. The act extends this requirement to employees of DCF-licensed child care facilities who are age 18 or older. (This does not include day care facilities licensed by the Office of Early Childhood.)

The act additionally requires DCF to check, for any such applicant or employee, the child abuse and neglect registry in any state in which the person resided in the previous five years.

Related Act

PA 19-117 (§§ 157-159) contains identical provisions regarding DCF child abuse and neglect registry checks.

PA 19-135—sHB 5575
Committee on Children
Judiciary Committee

AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR FIRE STARTING BEHAVIOR TREATMENT

SUMMARY: This act allows a child charged with a delinquency offense involving an “act of fire starting” to file a motion with the court for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program. The motion must be filed within 10 days after the child enters a plea unless the court waives the requirement on its own or the parties agree to waive it.

The act defines an “act of fire starting” as (1) conduct that causes an explosion or a fire to start, regardless of whether any person or animal was injured or property was damaged as a result, or (2) planning or preparing to start a fire or cause an explosion.

The act permits the court to suspend the delinquency proceeding so the child may attend the program, and if he or she successfully completes it and complies with the suspension order, the court may dismiss the delinquency charges.

Under the act, a child is ineligible for the program if (1) the court previously ordered this evaluation and treatment or (2) he or she is charged with a serious juvenile offense (see BACKGROUND).

EFFECTIVE DATE: July 1, 2019

SUSPENSION OF PROCEEDINGS FOR TREATMENT

Suspension Order

The court, upon the child’s motion, may suspend the delinquency proceedings for up to one year and order the child to participate in a fire-starting behavior treatment program. But it may only do so after it (1) considers information concerning the child’s fire starting and the evaluation results, (2) finds that the child requires and is likely to benefit from such treatment, and (3) determines that the suspension will advance the interests of justice. The court may use the evaluation results only to determine whether the delinquency proceedings should be suspended.

If the court denies the motion to suspend the delinquency proceedings, the prosecutor may proceed with the case. A court order granting or denying the suspension is generally not subject to appeal.

Suspension Period

During the suspension period, the child must be supervised by a juvenile probation officer who must monitor the child’s compliance with court orders. The child’s parent or guardian must pay the evaluation and program costs unless the court waives the costs upon finding that the parent or guardian is indigent.

Under the act, at any time during the suspension up until one month before it ends, a juvenile probation officer must notify the court of the impending conclusion and submit a report on whether the child completed the program and complied with the other court-ordered suspension conditions.

Dismissal of Charges

If the court, on the child’s or its own motion, finds that the child successfully completed the program and complied with the other suspension order conditions, it may dismiss the suspended delinquency charges. If it denies the motion and terminates the suspension, the prosecutor may proceed with the case.

BACKGROUND

Serious Juvenile Offense

Serious juvenile offenses include, among other things, murder, arson murder, manufacture of bombs, arson, most other class A felonies, many class B felonies, and running away without just cause from a secure residential facility in which the court has placed the child after adjudicating him or her delinquent (CGS § 46b-120(8)).

PA 19-146—HB 6997
Committee on Children
Education Committee

AN ACT REQUIRING THE PROVISION OF INFORMATION CONCERNING DOMESTIC VIOLENCE SERVICES AND RESOURCES TO STUDENTS, PARENTS AND GUARDIANS

SUMMARY: This act requires the Judicial Branch’s Office of Victim Services (OVS), in consultation with the Connecticut Coalition Against Domestic Violence, to (1) compile information on domestic violence victim services and resources and (2) provide the information to the State Department of Education (SDE) by December 1, 2019.

The act requires SDE to publish the information it receives from OVS on its website by January 1, 2020. It also requires (1) OVS to review the information annually and inform SDE of any necessary revisions and (2) SDE to revise the information on that basis.

Under the act, SDE must also disseminate the above information to local and regional school boards each school year starting with the 2020-2021 school year. Each school board must, in turn, require that the information be provided to any (1) student or student’s parent or guardian who expresses to a school employee that the student, parent, guardian, or a person residing in the home does not feel safe because of domestic violence and (2) student’s parent or guardian who authorizes the transfer of his or her education records to another school.

EFFECTIVE DATE: July 1, 2019

DOMESTIC VIOLENCE VICTIM SERVICES AND RESOURCES

The information OVS provides to SDE under the act must include:

1. available referrals to counseling and supportive services, including the secretary of the state’s Safe at Home Program, shelter and medical services, domestic abuse hotlines, legal counseling and advocacy, mental health care, and financial assistance and
2. procedures to voluntarily and confidentially identify those who are eligible for referral for such counseling and services.

PA 19-147—HB 7000
Committee on Children

AN ACT CONCERNING TRAINING FOR CERTAIN PUBLIC SAFETY AND EMERGENCY SERVICES PERSONNEL

SUMMARY: This act makes various changes related to the training of public safety personnel. Specifically, it requires:

1. the Department of Public Health (DPH), starting by June 30, 2020, and within available appropriations, to annually compile a list of available training programs for certain first responders regarding individuals with autism spectrum disorder (ASD), nonverbal learning disorder (NLD), and cognitive impairment;
2. the UConn Center for Excellence in Developmental Disabilities to (a) develop a communication aid for certain first responders to communicate with individuals with ASD, NLD, or cognitive impairment during emergencies and (b) publish the aid on its website by December 1, 2019;
3. the Commission on Fire Prevention and Control to establish an optional fire service training and education program on handling incidents involving juveniles and adults with ASD, NLD, or cognitive impairment with a curriculum available for free from (a) higher education institutions, health care professionals, or advocacy organizations that are concerned with this population or (b) collaborations of such entities (§ 2); and
4. the Department of Emergency Services and Public Protection, starting January 1, 2020, to expand its free training on juvenile matters for state and local police to include techniques for handling incidents involving juveniles and adults with ASD, NLD, or cognitive impairment (§ 1).

EFFECTIVE DATE: July 1, 2019, except the provision that makes changes to the police training requirements is effective January 1, 2020.

§ 3 — DPH LIST OF TRAINING PROGRAMS

Starting by June 30, 2020, the act requires DPH to annually compile a list of available training programs approved by the DPH commissioner that include techniques for handling incidents, such as wandering, involving juveniles and adults with ASD, NLD, and cognitive impairment. The programs may be offered by (1) higher education institutions, health care professionals, and advocacy organizations concerned with this population or (2) collaborations of such entities.

The act requires the department, annually by July 1, to make the list of training programs available to members of commercial ambulance and rescue services, volunteer and municipal ambulance services, ambulance and paramedic intercept services operated and maintained by a state agency, and emergency medical services personnel.

The act permits DPH to accept private donations for these purposes.

§ 4 — COMMUNICATION AID

Under the act, the UConn Center for Excellence in Developmental Disabilities must develop a communication aid for use by emergency medical services personnel, firefighters, police officers, active members of licensed or certified ambulance services, emergency mobile psychiatric services personnel, and mental health crisis intervention services personnel.

The communication aid must describe techniques for serving and interacting with juveniles and adults with ASD, NLD, and cognitive impairment and contain communication aids to use during emergencies when verbal communication may be hindered or impossible.

The act requires the center to publish the aid on its website by December 1, 2019, and starting January 1, 2020, the above personnel must maintain a paper or electronic copy of the aid in any vehicle they use in the course of their duties.

PA 19-166—sHB 7215

Committee on Children

Education Committee

AN ACT CONCERNING SCHOOL CLIMATES

SUMMARY: This act makes numerous changes to the laws related to school bullying and safe school climate. Principally, it:

1. establishes a 33-member social and emotional learning and school climate advisory collaborative and tasks it with, among other things, developing a biennial state-wide school climate survey, model positive school climate policy, and student suicide risk assessment (§§ 1-3);
2. requires the State Department of Education (SDE), by August 1, 2021, to publish on its website the model policy and school climate survey the collaborative develops (§ 2);
3. modifies the definition of bullying by, among other things, eliminating the requirement that the action occur between students (§ 3);
4. (a) specifies that schools, when they contact parents and guardians whose children have been involved in bullying, must let the parents know the results of the investigation into the incident and (b) requires the schools to also notify the parents or guardians that they may refer to information on the board of education's website about rights and remedies under school law (§ 3);
5. requires boards of education to publish such information in plain language on their websites by June 30, 2021 (§ 4); and
6. requires boards of education, in consultation with the collaborative and SDE, to provide on the department website certain training materials for school administrators on bullying prevention and intervention (§ 5).

EFFECTIVE DATE: Upon passage for the collaborative provisions (§§ 1 & 2); July 1, 2021, for the bullying provisions (§ 3), and July 1, 2019, for the plain language explanation of rights and discrimination training provisions (§§ 4 & 5).

§§ 1-3 — SOCIAL AND EMOTIONAL LEARNING AND SCHOOL CLIMATE ADVISORY COLLABORATIVE

The act establishes a 33-member Social and Emotional Learning and School Climate Advisory Collaborative and tasks it with the following:

1. collecting information on school climate improvement efforts of local and regional boards of education;
2. documenting any needs the boards articulate for technical assistance and training to foster positive school climates;
3. identifying best practices to promote positive school climates;
4. directing resources to support state-wide and local initiatives to foster and improve positive school climates and improve access to social and emotional learning in schools;
5. developing a (a) suicide risk screening for students in grades 3-12, which must be submitted by July 1, 2020, to the Children's and Education committees, along with any associated recommendations, (b) biennial state-wide school climate survey, and (c) model positive school climate policy;
6. (a) developing a plain language explanation to distribute to parents and guardians that describes their right to file a written complaint with the State Board of Education alleging the local or regional board of education's failure to implement the state's educational interests and the related remedies and (b) providing the explanation of these rights and remedies to each board of education by January 1, 2021; and
7. performing other functions concerning social and emotional learning and fostering positive school climates.

Definitions

Under the act, a "school climate" means the quality and character of school life based on patterns of students,' parents,' and school employees' experiences of school life, including norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures. Prior law defined "school climate" as the quality and character of school life, with a particular focus on the quality of the relationships within the school community between and among students and adults.

The act defines a "positive school climate" as a school climate in which:

1. norms, values, expectations, and beliefs are promoted that support feeling socially, emotionally, and physically safe;
2. students, their parents and guardians, and school employees feel engaged and respected and work together to develop and contribute to a shared school vision;
3. educators model and nurture attitudes that emphasize the benefits and satisfaction gained from learning; and
4. each person feels comfortable contributing to the school's operation and care of its physical environment.

"Social and emotional learning" means the process through which people achieve emotional intelligence through self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.

"Emotional intelligence" means a person's ability to:

1. perceive, recognize, understand, and manage his or her emotions and those of others;
2. use emotions to facilitate cognitive activities, including reasoning, problem solving, and interpersonal communication; and
3. understand and identify emotions.

Membership

The collaborative members include 22 legislative appointees as described in the table below.

Legislative Appointees

Appointing Authority	Number of Appointees	Qualifications
House speaker	Five	<ul style="list-style-type: none"> • CT Association of Boards of Education representative • Juvenile Justice Policy and Oversight Committee member • School administrator with experience in district-level, equity-focused, and cross-disciplinary social and emotional learning • Representative of an organization that provides free or reduced-cost legal services • CT Parent Power representative
Senate president pro tempore	Five	<ul style="list-style-type: none"> • CT Association of Schools representative • CT Association of School Administrators representative • Social Emotional Learning Alliance for CT representative • CT School Counselor Association representative • CT Association of Public School Superintendents representative
House majority leader	Three	<ul style="list-style-type: none"> • Special Education Equity for Kids of CT representative • CT Parent Advocacy Center representative • African Caribbean American Parents of Children with Disabilities, Inc. representative
Senate majority leader	Three	<ul style="list-style-type: none"> • Center for Children's Advocacy representative • Yale Center for Emotional Intelligence representative • Representative of UConn's Neag School of Education

Legislative Appointees (continued)

Appointing Authority	Number of Appointees	Qualifications
House minority leader	Three	<ul style="list-style-type: none"> • American Federation of Teachers – CT representative • Center for Social and Emotional Learning at Central CT State University representative • CT Parent Teacher Association representative
Senate minority leader	Three	<ul style="list-style-type: none"> • CT Education Association representative • National Alliance on Mental Illness – CT representative • Youth Suicide Advisory Board representative

The collaborative members also include the:

1. chairpersons and ranking members of the Children’s and Education committees and
2. education commissioner, child advocate, and Commission on Women, Children and Seniors (CWCS) executive director, or their designees (PA 19-117, §§ 105-143 & 388, merges the CWCS and the Commission on Equity and Opportunity into a single entity, the Commission on Women, Children, Seniors, Equity and Opportunity.)

Appointments to the collaborative must be made by August 7, 2019, and the collaborative must hold its first meeting by September 6, 2019. Under the act, the collaborative must be chaired by the CWCS executive director or his designee and a co-chairperson elected from among the members. CWCS staff must serve as the collaborative’s administrative staff. The appointing authorities must fill any vacancies.

The collaborative may designate subcommittees and advisory groups to carry out its functions, as long as they are composed of collaborative members.

Reporting Requirement

The collaborative must annually report to the Children’s and Education committees, beginning by January 1, 2021, any recommendations and its efforts to:

1. monitor the school climate improvement efforts of the boards of education,
2. document needs for technical assistance and training to foster positive school climates,
3. identify best practices for promoting positive school climates, and
4. direct resources to support state-wide and local initiatives on fostering and improving positive school climates and improving access to social and emotional learning.

Model Positive School Climate Policy

The act requires the collaborative, by January 1, 2020, to develop a model positive school climate policy. In doing so, it may review safe school climate plans that local and regional boards of education have developed and implemented (see “Safe School Climate Plans” below).

School Climate Survey

The act requires the collaborative, by July 1, 2021, to develop a biennial state-wide school climate survey and provide it to SDE. The survey must be designed to obtain confidential information from school employees and students’ parents and guardians concerning their impressions of the school’s climate. The survey must ask about their impressions of:

1. the school’s student learning environment, including academic supports and resources, and school safety;
2. school employee communication to parents and guardians about students;
3. the teaching environment at the school, including employee resources, supports, and professional development;

- school leadership; and collaborative planning time availability;
4. whether there is a positive climate at the school;
 5. whether individuals of all races, ethnicities, and cultural backgrounds feel welcome at the school; and
 6. (a) the availability of supports and strategies to develop and retain teachers and administrators, including minority teachers and administrators, school psychologists, and counselors, and (b) suggestions for increasing the availability of such supports and strategies.

§ 3 — BULLYING DEFINITION

The act modifies the definition of “bullying” to mean an act that is direct or indirect and severe, persistent, or pervasive and (1) causes a student emotional or physical harm, (2) places a student in reasonable fear of such harm, or (3) infringes on a student’s rights or opportunities at school. Under this definition, the actions do not necessarily have to occur between two students.

Prior law defined “bullying” as one or more students’ repeated use of a written, oral, or electronic communication directed at or referring to a student in the same school district, or a physical act or gesture repeatedly directed at another student in the district, that (1) causes a student physical or emotional harm or property damage, (2) places the student in fear of such harm or property damage, (3) creates a hostile school environment for the student, (4) infringes on his or her rights at school, or (5) substantially disrupts the school’s education process or orderly operation.

As under existing law, bullying includes written, oral, or electronic communication or a physical act or gesture on the basis of having, or associating with individuals who have, certain actual or perceived characteristics (e.g., race, gender, or disability).

§ 3 — SAFE SCHOOL CLIMATE PLANS

Existing law requires boards of education to develop and implement a safe school climate plan to address bullying in schools, among other things. The plan must require schools, within 48 hours of completing an investigation into alleged bullying, to notify the parents or guardian of the (1) student who committed the bullying and (2) student against whom the bullying was directed.

The act specifies that this notice must include the results of the investigation. It additionally requires the notice, which must be verbal and by email if the parents’ or guardians’ email addresses are known, to inform them that they may refer to the plain language explanation of their legal rights and remedies that is published on the board of education’s website as required by the act.

§ 5 — SCHOOL ADMINISTRATOR TRAINING

The act requires boards of education to develop training materials for school administrators in consultation with SDE and the collaborative the act establishes. The materials, which must be provided on SDE’s website, must provide information on preventing and intervening in discrimination against, and targeted harassment of, students based on their (1) actual or perceived differentiating characteristics (e.g., race, color, or physical disability) or (2) association with individuals or groups who have one or more such characteristics. The materials may be developed in consultation with, or provided by, one or more organizations offering training on identifying, preventing, and intervening in discrimination.

PA 19-4—HB 5004

*Labor and Public Employees Committee
Appropriations Committee*

AN ACT INCREASING THE MINIMUM FAIR WAGE

SUMMARY: This act increases the state’s minimum hourly wage from its current \$10.10 to (1) \$11.00 on October 1, 2019; (2) \$12.00 on September 1, 2020; (3) \$13.00 on August 1, 2021; (4) \$14.00 on July 1, 2022; and (5) \$15.00 on June 1, 2023. Beginning January 1, 2024, it indexes future annual minimum wage changes to the federal employment cost index (ECI).

The act also adjusts the “tip credit” provided by law to employers of hotel and restaurant staff and bartenders who customarily receive tips. The credit allows employers to count these employees’ tips as a percentage of their minimum wage requirement, thus reducing the employer’s share of the minimum wage as long as the tips make up the difference. The act (1) freezes the employer’s share of these employees’ minimum wage requirement at \$6.38 for hotel and restaurant staff and \$8.23 for bartenders and (2) requires the tip credit’s value to correspondingly increase to make up the difference between the employer’s share and the act’s minimum wage increases as long as the tips make up the difference.

Starting October 1, 2019, the act also changes the “training wage” that employers may pay to certain employees. Prior law generally allowed employers to pay “learners,” “beginners,” and people under age 18 (“minors”) as low as 85% of the regular minimum wage for their first 200 hours of employment. The act eliminates the training wage exceptions for learners and beginners, and it limits the training wage to only minors unless they are emancipated minors. It also (1) requires the training wage to be the greater of \$10.10 or 85% of the minimum wage and (2) allows employers to pay the training wage to minors for the first 90 days, rather than 200 hours, of their employment.

Starting October 1, 2020, the act prohibits employers from taking any action to displace, or partially displace, an employee in order to hire minors at a subminimum wage rate. This includes reducing an employee’s hours, wages, or employment benefits. If the labor commissioner determines that an employer violated this prohibition, he must suspend the employer’s right to pay the reduced rate for employees for a period of time specified in regulations.

Lastly, the act requires the labor commissioner to (1) recommend whether any scheduled minimum wage increases should be suspended after two consecutive quarters of negative growth in the state’s real gross domestic product and (2) study workers who receive tips and recommend ways to obtain certain information about them.

EFFECTIVE DATE: October 1, 2019, except the provisions on the tip credit and a study of tipped workers take effect upon passage.

ECI INDEXING

Starting on January 1, 2024, and by each January 1 after that, the act requires the minimum wage to be adjusted by the percent change in the ECI (or its successor index) for all civilian workers’ wages and salaries over the 12-month period ending on June 30 of the preceding year as calculated by the U.S. Department of Labor (USDOL). In general, the ECI is a quarterly measure of the change in the cost of labor prepared by USDOL’s Bureau of Labor Statistics based on a national compensation survey.

Starting on October 15, 2023, and on each subsequent October 15, the act requires the state’s labor commissioner to annually announce the adjustment and the new minimum wage for the next year, rounded to the nearest cent. The new minimum wage becomes effective on the following January 1.

By law, unchanged by the act, the state’s minimum wage cannot fall below 0.5% more than the federal minimum wage.

TIP CREDIT

The tip credit allows employers of hotel and restaurant staff and bartenders who receive tips to count these employees’ tips as a percentage of their minimum wage requirement, thus reducing the employer’s share of the minimum wage as long as the tips make up the difference.

Under prior law, the tip credit was 36.8% of the minimum wage for tipped hotel and restaurant staff and 18.5% of the minimum wage for bartenders. Thus, under prior law’s \$10.10 minimum wage, the employer’s share of the minimum wage requirement was \$6.38 for hotel and restaurant staff and \$8.23 for bartenders.

The act freezes the employer’s share at \$6.38 for hotel and restaurant staff and \$8.23 for bartenders. It does so, starting on July 1, 2019, by requiring the labor commissioner to recognize a tip credit that equals the difference between the applicable minimum wage and the “employer’s share,” which the act sets as \$6.38 for hotel and restaurant staff and

\$8.23 for bartenders. Thus, as the minimum wage increases under the act, the value of the tip credit will correspondingly increase to make up the difference between the employer's share and new minimum wage, as shown in the two tables below.

Hotel and Restaurant Employees' Tip Credit Under the Act

<i>Effective Date</i>	<i>Minimum Wage (\$)</i>	<i>Tip Credit (\$)</i> (difference between minimum wage and employer's share)	<i>Employer's Share (\$)</i>
Prior Law	10.10	3.72	6.38
10/1/19	11.00	4.62	6.38
9/1/20	12.00	5.62	6.38
8/1/21	13.00	6.62	6.38
7/1/22	14.00	7.62	6.38
6/1/23	15.00	8.62	6.38

Bartenders' Tip Credit Under the Act

<i>Effective Date</i>	<i>Minimum Wage (\$)</i>	<i>Tip Credit (\$)</i> (difference between minimum wage and employer's share)	<i>Employer's Share (\$)</i>
Prior Law	10.10	1.87	8.23
10/1/19	11.00	2.77	8.23
9/1/20	12.00	3.77	8.23
8/1/21	13.00	4.77	8.23
7/1/22	14.00	5.77	8.23
6/1/23	15.00	6.77	8.23

The act also specifies that for hotel and restaurant staff earning the training wage (see below), the labor commissioner must recognize a tip credit that equals the difference between the training wage and the \$6.38 employer's share set by the act.

TRAINING WAGE

Prior law generally allowed employers to pay learners, beginners, and minors a "training wage," as low as 85% of the regular minimum wage, for their first 200 hours of employment. The act eliminates the training wage exemption for learners and beginners, but it retains the exemption for minors unless they are emancipated. In general, "learners" are employees enrolled in certain vocational training programs (Conn. Agencies Regs., § 31-60-7) and "beginners" are new employees in the mercantile industry (Conn. Agencies Regs., §§ 31-62-D2 & 31-62-D6).

The act requires the training wage to be the greater of \$10.10 or 85% of the minimum wage. Thus, under the act's minimum wage increases, it will increase from its current \$8.59 to (1) \$10.10 on October 1, 2019; (2) \$10.20 on September 1, 2020; (3) \$11.05 on August 1, 2021; (4) \$11.90 on July 1, 2022; and (5) \$12.75 on June 1, 2023.

The act also allows employers to pay the training wage to minors for the first 90 days, rather than the first 200 hours, of their employment. After 90 days, the minor must be paid at least the full minimum wage. The act does not specify whether the 90 day limit is based on the minor's work history with his or her current employer or total aggregate work history (prior law's 200 hour limit for minors was based on their total aggregate work history (Conn. Agencies Regs., § 31-60-6)).

LABOR COMMISSIONER RECOMMENDATIONS AND STUDY

Recommendations to Suspend Scheduled Increases

If there are two consecutive quarters of negative growth in the state's real gross domestic product, as reported by the U.S. Department of Commerce's Bureau of Economic Analysis, the act requires the labor commissioner to provide

written recommendations to the governor on whether any scheduled increases to the minimum wage should be suspended. Upon receiving the recommendations, the governor may submit his recommendations about the suspension to the legislature.

Study of Tipped Workers

The act requires the labor commissioner to study tipped workers in the state and allows him to consult with any individuals or entities he deems relevant. Once the study is concluded, he must recommend the optimal methods for obtaining information about (1) which groups of workers receive compensation as tips, (2) the demographics of such workers, (3) the amount of tips they receive, and (4) any difference in wage growth between workers who receive tips and those who do not.

The study must also estimate the potential costs associated with the recommendations. The commissioner must submit a report on the study's findings to the Labor and Public Employees Committee by January 17, 2020.

PA 19-17—sSB 164

*Labor and Public Employees Committee
Appropriations Committee*

AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS, MENTAL HEALTH CARE FOR POLICE OFFICERS AND WELLNESS TRAINING FOR POLICE OFFICERS, PAROLE OFFICERS AND FIREFIGHTERS

SUMMARY: This act allows police officers, parole officers, and firefighters to receive certain workers' compensation benefits for post-traumatic stress disorder (PTSD) caused by their participation in certain "qualifying events." Such events include seeing, while in the line of duty, a deceased minor, someone's death, or a traumatic physical injury that results in the loss of a vital body part.

In addition, the act:

1. establishes eligibility requirements for the PTSD benefits;
2. limits the benefits' (a) duration to 52 weeks and (b) availability to within four years after the qualifying event occurs;
3. limits the amount of weekly PTSD benefits an officer or firefighter may receive if his or her total benefits (including other benefits, such as a pension, Social Security, or disability insurance) exceed his or her average weekly wage; and
4. establishes a process for employers to contest PTSD claims.

It also requires the Labor and Public Employees Committee to examine the feasibility of expanding PTSD benefit eligibility to emergency medical services (EMS) personnel and Department of Correction (DOC) employees.

The act generally prohibits a law enforcement unit from disciplining police officers solely because they seek or receive mental health care services or surrender their work weapons or ammunition. It also requires law enforcement units to request that officers seek a mental health examination before returning their work weapons or ammunition. Additionally, it provides civil liability protection to law enforcement units for an officer's actions with a personal firearm under certain conditions.

The act allows officers who were voluntarily admitted to a psychiatric hospital for psychiatric treatment to use their work weapons or ammunition within six months of being admitted by creating exemptions in the criminal possession statutes.

The act requires (1) the development and adoption of a model critical incident and peer support policy and (2) resilience and self-care technique training for police officers, parole officers, and firefighters.

It also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2019, except the provisions (1) on job protections for police officers, returning work weapons or ammunition, civil liability protections for law enforcement units, and exemptions to the criminal weapons possession law are effective October 1, 2019, and (2) repealing a provision in a separate act that would allow advanced practice registered nurses (APRNs) to diagnose PTSD in firefighters under certain circumstances is effective June 30, 2019.

§§ 1-3 & 11-12 — WORKERS' COMPENSATION BENEFITS FOR PTSD

The act establishes the conditions under which police officers, firefighters, and parole officers may receive workers' compensation benefits for developing PTSD due to their participation in certain qualifying events while in the line of duty.

Police Officers, Firefighters, and Parole Officers (§ 2)

Under the act, police officers are (1) sworn members of an organized local police department; (2) appointed constables who perform criminal law enforcement duties; (3) certain special police officers appointed by the commissioner of emergency services and public protection; or (4) any member of a law enforcement unit who performs police duties, except those of the Indian tribes.

Firefighters are any (1) uniformed member of a paid municipal, state, or volunteer fire department or (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and other classes of inspectors and investigators subject to certain minimum qualification standards.

Parole officers are DOC employees who supervise inmates in the community after their release from prison on parole or under another prison release program.

Qualifying Events (§ 2)

Under the act, an officer's or firefighter's PTSD diagnosis is compensable with workers' compensation benefits if a mental health professional examines the officer or firefighter and diagnoses PTSD as a direct result of a qualifying event. Such an event is one that occurs in the line of duty on or after July 1, 2019, and in which the officer or firefighter:

1. views a deceased minor;
2. witnesses (a) a person's death or an incident involving a person's death, (b) an injury to a person who subsequently dies before or upon admission at a hospital as a result of the injury and not any other intervening cause, or (c) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim's permanent disfigurement; or
3. carries, or has physical contact with and treats, an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not any other intervening cause.

The diagnosing mental health professional must be a board-certified psychiatrist or a licensed psychologist who has experience diagnosing and treating PTSD.

Additional Eligibility Requirements (§ 2)

The act also requires that the following conditions be met to qualify for benefits:

1. the PTSD resulted from the officer or firefighter acting in the line of duty;
2. the firefighter, if applicable, complied with certain federal Occupational Safety and Health Act standards related to respiratory protection and fire protection for fire brigades (it is unclear how a firefighter can comply with these standards, which generally require employers, not employees, to meet certain criteria);
3. a qualifying event was a substantial factor in causing the disorder;
4. the qualifying event, and not another source of stress, primarily caused the PTSD; and
5. the PTSD did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action concerning the officer or firefighter.

The diagnosing mental health professional must comply with any workers' compensation guidelines for approved medical providers, including those about releasing past or contemporaneous medical records.

PTSD Benefits (§ 2)

The act establishes workers' compensation benefits specific to officers and firefighters diagnosed with PTSD under its provisions. Regardless of other requirements under the workers' compensation law, it requires that their benefits include any combination of (1) medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist; (2) temporary total incapacity benefits (i.e., wage replacement); and (3) temporary partial incapacity benefits (i.e., benefits to make up the difference between the employee's regular wage and what he or she earns by working at a reduced capacity).

The act requires employers to provide these benefits for up to 52 weeks after the diagnosis date. It also prohibits (1)

any of these benefits from being awarded beyond four years after the qualifying event that formed the basis for the PTSD and (2) an officer or firefighter receiving PTSD benefits from receiving workers' compensation permanent partial disability benefits (see BACKGROUND).

The act further limits an officer's or firefighter's PTSD benefits by prohibiting them from exceeding the officer's or firefighter's average weekly wage when combined with his or her other benefits, including those received from contributory and noncontributory retirement systems, Social Security, and long-term or short-term disability plans. (Presumably, in such instances the officer's or firefighter's PTSD benefits would be reduced by the amount that his or her total combined benefits otherwise exceeds his or her average weekly wage.)

Contested Claims Process (§ 2)

The act establishes a process for employers to contest a claim for PTSD benefits that is generally similar to the process used for contesting other workers' compensation claims, although with different deadlines.

Under the act, an employer must file a notice contesting the claim with a workers' compensation commissioner on or before the 28th day after the employer receives the employee's written notice of claim. The employer's notice, which must be in accord with a form prescribed by the Workers' Compensation Commission chairman, must state (1) that the right to compensation is contested, (2) the claimant's and employer's names, (3) the date of the alleged injury, and (4) the specific grounds on which the employer is contesting the right to compensation. The employer must send a copy of the notice to the employee using the same methods required for other workers' compensation notices (i.e., personally or by registered or certified mail addressed to the employee at his or her last-known residence or place of business).

The employer must begin paying PTSD benefits no later than 28 days after receiving the employee's notice of claim unless the employer or its legal representative files a notice contesting the claim during that period. However, if the employer does not file the notice within 28 days, it may still contest the claim on any grounds, or the extent of the employee's disability, within 180 days after receiving the employee's notice of claim as long as it began paying the PTSD benefits. Any benefits the employer pays during this period must be considered payments without prejudice.

Under the act, if an employer fails to start paying benefits or contest liability within 28 days after receiving the employee's notice of claim, the employer is conclusively presumed to have accepted the alleged injury's compensability. If the employer posted an address for where an employee's notice of claim must be sent, as allowed by law, the 28-day deadline begins when the employer receives the notice at that address.

The employer does not have to begin paying benefits if the employee's notice of claim was not properly served or if it did not include a warning that an employer:

1. who begins paying benefits within 28 days after receiving the notice of claim must file a notice contesting liability within 180 days after receiving the notice of claim in order to contest liability and
2. will be conclusively presumed to have accepted the alleged injury's compensability unless it files a notice contesting liability or begins paying benefits within 28 days after receiving the notice of claim.

As under existing law for other types of contested workers' compensation claims, if an employer contesting PTSD benefits prevails, the employer is entitled to reimbursement from the claimant for any benefits paid by the employer on or after the date when the commissioner receives the employer's written notice contesting the claim.

Conforming Changes to Firefighter PTSD Benefits (§§ 3 & 12)

Under prior law, a firefighter diagnosed with PTSD due to witnessing the death of another firefighter in the line of duty could receive workers' compensation benefits limited to treatment by an approved psychologist or psychiatrist, but not other workers' compensation benefits. The act removes this limitation, thus allowing such firefighters to receive the full PTSD benefits provided under the act.

The act also repeals a provision in PA 19-98 that allows APRNs to diagnose such firefighters with PTSD.

Possible Benefit Expansion (§ 11)

The act requires the Labor and Public Employees Committee, by February 1, 2020, to examine the feasibility of extending PTSD benefit availability to EMS personnel and DOC employees who are not otherwise eligible for benefits under the act. In doing so, the committee must consult with representatives from the Workers' Compensation Commission, workers' compensation claimants, employers, insurers, and municipalities. The committee may also consult with anyone else it deems appropriate.

If the committee determines that it is feasible to expand the act's PTSD benefits during the next legislative session, it must originate a bill making the EMS personnel and DOC employees eligible for the benefits based on a qualifying event

occurring on or after July 1, 2019.

§ 4 — JOB PROTECTION

The act generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or penalizing a police officer it employs solely because the officer seeks or receives mental health care services or surrenders his or her work firearm, ammunition, or electronic defense weapon during the time the officer receives such services. This prohibition does not apply to officers who (1) seek or receive mental health care services to avoid disciplinary action or (2) refuse to submit to the mental health examination the act requires before they can have their weapon or ammunition returned.

By law, a law enforcement unit is any agency, organ, or department whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It includes the Mohegan and Mashantucket Pequot police units (CGS § 7-294a). The act's job protection provision also includes tribal police officers.

§ 4 — RETURNING WORK WEAPONS OR AMMUNITION

Before a law enforcement unit returns surrendered work weapons or ammunition to an officer, the act requires the unit to request that the officer submit himself or herself to be examined by a board-certified psychiatrist or licensed psychologist who has experience diagnosing and treating PTSD. The examination must be to determine whether the officer is ready to report for official duty and must be paid for by the law enforcement unit.

§ 4 — CIVIL IMMUNITY FOR LAW ENFORCEMENT UNITS

The act prohibits any civil action from being brought against a law enforcement unit for damages arising from an act or omission of a police officer employed by the unit and using a personal firearm, under certain conditions. There is no civil liability if (1) the officer seeks or receives mental health care services and surrenders his or her work weapon or ammunition and (2) the officer's act or omission occurs during the time period the officer surrendered the work weapon or ammunition or within six months of the surrender, whichever is longer.

§§ 5 & 6 — CRIMINAL POSSESSION

By law, it is generally a crime for a person to possess a handgun or firearm, ammunition, or electronic defense weapon within six months of voluntary admission to a psychiatric hospital for psychiatric treatment, unless the admission was solely for alcohol or drug-dependency. Such criminal possessions are a class C felony (see [Table on Penalties](#)) with a two year mandatory minimum and where the court may not remit or reduce \$5,000 of the fine unless it states its reasons for doing so on the record.

The act exempts from this prohibition officers who were voluntarily admitted to a psychiatric hospital for psychiatric treatment and whose weapons or ammunition were returned in accordance with the act, thus allowing them to use their work weapons or ammunition within six months after being admitted.

§ 7 — MODEL CRITICAL INCIDENT AND PEER SUPPORT POLICY

The act requires the Police Officer Standards and Training (POST) Council, DOC, and the Commission on Fire Prevention and Control to develop and promulgate a model critical incident and peer support policy to support the mental health care and wellness of police officers (including tribal police officers), parole officers, and firefighters.

By July 1, 2020, the act requires DOC and each law enforcement unit, paid or volunteer fire department (municipal or state), and municipal entity employing a firefighter (as defined in the act) to:

1. adopt and maintain a written policy that meets or exceeds the model policy's standards;
2. make peer support available to such officers and firefighters; and
3. refer an officer or firefighter, as appropriate, seeking mental health care services to a board-certified psychiatrist or licensed psychologist.

§§ 8-10 — RESILIENCE AND SELF-CARE TECHNIQUE TRAINING

The act requires resilience and self-care technique training for new police officers, parole officers, and firefighters. It

applies to such individuals who, on and after January 1, 2020, (1) begin basic training as police officers, (2) are hired as parole officers, or (3) begin initial training as firefighters.

Under the act, such training must be (1) included in each police basic training conducted or administered by the state police, POST, or municipal police departments and (2) done in consultation with the Department of Mental Health and Addiction Services (DMHAS).

Likewise, the act requires (1) DOC to provide such training to parole officers and (2) the Commission on Fire Prevention and Control, the State Fire Marshal, and the Codes and Standards Committee, and any other state or municipal entity that provides firefighter training to provide such training to firefighters. Each entity providing the training must do so in consultation with DMHAS.

BACKGROUND

Permanent Partial Disability Benefits

Under the state's workers' compensation law, when a physician indicates that a claimant has reached maximum medical improvement from a work-related injury, the claimant may receive permanent partial disability (PPD) benefits if the injury (1) consists of a substantial loss of a body part that results in the body part's permanent partial loss of use, or (2) results in a permanent partial loss of function (CGS § 31-308).

Under certain circumstances, a workers' compensation commissioner may also award a claimant additional PPD benefits to account for the claimant's reduced earning potential due to the injury (CGS § 31-308a).

Related Act

PA 19-188 makes communications between a first responder (including police officers and firefighters) and a peer support team member confidential with certain exceptions.

PA 19-25—sSB 1

*Labor and Public Employees Committee
Finance, Revenue and Bonding Committee
Appropriations Committee*

AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE

SUMMARY: This act creates the Family and Medical Leave Insurance (FMLI) program to provide wage replacement benefits to certain employees taking leave for reasons allowed under the state's (1) Family and Medical Leave Act (FMLA), which the act also amends, or (2) family violence leave law. It provides them with up to 12 weeks of FMLI benefits over a 12-month period. The program also provides two additional weeks of benefits for a serious health condition that results in incapacitation during pregnancy.

Under the act, individuals eligible for benefits are those who earned at least \$2,325 during their highest earning quarter within their base period (i.e., the first four of the five most recently completed quarters) and (1) are private-sector employees or certain "covered public employees," (2) were employed in the previous 12 weeks by a covered employer, or (3) are sole proprietors or self-employed people who voluntarily enroll in the program.

The program is funded by employee contributions, and collections begin in January 2021. The Paid Family and Medical Leave Insurance Authority (i.e., "authority"), which the act creates, must annually determine the employee contribution rate, which cannot exceed 0.5% of an employee's "subject earnings." The act caps the amount of an employee's earnings that is subject to FMLI contributions at the same amount that is subject to Social Security tax (currently \$132,900).

A covered employee's weekly benefits under the program are generally calculated as 95% of his or her average weekly wage, up to 40 times the state minimum wage, plus 60% of his or her average weekly wage that exceeds 40 times the minimum wage, with total weekly benefits capped at 60 times the minimum wage. If employee contributions are at the maximum rate allowed and the authority determines that they are insufficient to ensure the program's solvency, the act requires it to reduce the benefit by the minimum amount needed to ensure the program's solvency.

The act allows employers to alternatively provide benefits through a private plan, which must provide their employees with at least the same level of benefits under the same conditions and employee costs as the FMLI program.

Private plans must meet certain requirements for approval, and employees covered by an employer's private plan do not have to contribute to the FMLI program.

The act establishes the authority as a quasi-public agency to develop and administer the program. It creates a 15-member board of directors for the authority and requires it to, among other things, develop written procedures to implement the program in accordance with the law governing the adoption of procedures by quasi-public agencies. (PA 19-117 makes various changes in the act, particularly regarding the authority, which are noted throughout this public act summary.)

The act authorizes the authority to (1) design the process by which covered employees will make contributions to the program; (2) adopt procedures for (a) determining a covered employee's benefits eligibility, (b) establishing the program's contribution rate, and (c) certifying the program's solvency; (3) enter into contracts as needed; and (4) take various other actions related to implementing and administering the program.

The act establishes the FMLI Trust Fund, administered by the state treasurer, to hold employee contributions and pay FMLI benefits and the program's administrative costs. It requires that any funds expended from the General Fund to administer the program or provide benefits be repaid by October 1, 2022.

Starting on January 1, 2022, the act also changes various provisions of the state's FMLA, which generally requires certain private-sector employers to provide job-protected, unpaid leave to employees for various reasons related to their health or their family members' health. Among other things, the act:

1. extends the FMLA to cover private-sector employers with at least one employee, rather than 75;
2. lowers the employee work threshold to qualify for job-protected leave from (a) 12 months of employment and 1,000 work-hours with the employer to (b) three months of employment with the employer, with no minimum requirement for hours worked;
3. changes the maximum FMLA leave allowed from 16 weeks over a 24-month period to 12 weeks over a 12-month period and allows an additional two weeks of leave due to a serious health condition that results in incapacitation during pregnancy;
4. limits the extent to which an employer may require an employee taking FMLA leave to use his or her employer-provided paid leave;
5. adds to the family members for whom (a) an employee can take FMLA leave and (b) employers must allow their employees to use up to two weeks of any employer-provided paid sick leave; and
6. makes numerous technical and conforming changes.

Lastly, the act creates a "non-charge" against an employer's unemployment tax experience rate which allows an employer to lay off an employee who was temporarily filling the job of another employee on FMLA leave without increasing the employer's unemployment taxes.

EFFECTIVE DATE: Upon passage, except the provisions that (1) extend requirements for funds administered by the treasurer to the FMLI Trust Fund, bring the authority under certain laws that apply to quasi-public agencies, and create a non-charge for employer's unemployment taxes are effective July 1, 2019 (PA 19-117 makes the non-charge provision effective January 1, 2022); (2) require the authority to conduct a public education campaign are effective January 1, 2020; (3) require the labor commissioner to adopt regulations are effective July 1, 2020; (4) affect the terms of the current FMLA are effective January 1, 2022; and (5) establish employer notice requirements are effective July 1, 2022.

§§ 1, 3, 9, 11-12 & 14 — FMLI PROGRAM

Covered Employees and Employers (§§ 1 & 9)

Under the act, "covered employees" (i.e., those eligible for benefits) are individuals who earned at least \$2,325 during their highest earning quarter within their base period (i.e., the first four of the five most recently completed quarters) and (1) are employed by an employer with at least one employee, (2) were employed by an employer in the previous twelve weeks, or (3) are sole proprietors and self-employed people who live in the state and voluntarily enroll in the program.

"Employers" under the act are private-sector employers (except nonpublic elementary or secondary schools) with at least one employee. The state, municipalities, and local or regional boards of education are also "employers" under the act, but only for each of their "covered public employees."

Covered public employees are (1) state employees (i.e., individuals employed in state service) who are not in a collective bargaining unit and (2) state, municipal, or local or regional board of education (BOE) employees whose exclusive collective bargaining agent negotiates inclusion in the program. Once a municipal employer or BOE negotiates inclusion in the program for one of its bargaining units, any of the municipality's or BOE's employees (as appropriate) who are not part of a collective bargaining unit also become covered public employees.

Sole Proprietors and the Self-Employed (§ 9). To enroll in the FMLI program, sole proprietors and self-employed people who live in the state must apply to the authority in a form and manner the authority prescribes. Their initial enrollment must be for at least a three-year term, and they can withdraw from the program by submitting a written notice to the authority (1) at least 30 days before their initial or subsequent enrollment period expires or (2) at other times the authority may prescribe by rule. Otherwise, they will be automatically re-enrolled for subsequent periods of at least one year beginning immediately after their current period of participation in the program.

Employee Contributions (§§ 1 & 3)

Starting on January 1, 2021, and not later than February 1, 2021, the act requires each private-sector employee (except nonpublic elementary or secondary school employees), covered public employees, and self-employed individuals and sole proprietors who opt in to the program to contribute a percentage of their “subject earnings” to the FMLI Trust Fund. Under the act, “subject earnings” are total wages, as defined in the state’s unemployment law (i.e., all remuneration for employment and dismissal payments), or self-employment income as defined in the federal tax law, up to the amount of earnings subject to Social Security tax. (PA 19-117 specifies that an individual’s subject earnings include his or her self-employment income only if he or she voluntarily enrolls in the program.)

The act requires each employer paying wages to an employee to deduct and withhold from those wages, for each payroll period, a contribution computed in a way that results, as practicable, in annually withholding an amount substantially equal to the employee’s contribution reasonably estimated to be due from such wages during the year. If, after notice, an employee, employer, or participating self-employed individual or sole proprietor fails to make a required payment to the program, the act requires a state collection agency (the state treasurer, revenue services commissioner, or any other official authorized to collect state taxes) to collect the payment and interest under the processes for collecting unpaid state taxes or unemployment taxes, which can include liens and foreclosures.

Contribution Rate and Adjustments. The act requires the authority to establish the contribution rate but caps it at 0.5% of subject earnings. It caps a person’s subject earnings at the Social Security contribution base (i.e., amount of earnings subject to Social Security tax, currently \$132,900).

The act requires the authority, annually beginning September 1, 2022, to publish the following information:

1. the total amount (a) of contributions collected and benefits paid during the previous fiscal year, (b) needed to administer the program in the year, and (c) remaining in the trust fund at the end of the fiscal year;
2. a target fund balance in light of these totals that is sufficient to ensure the fund’s ongoing ability to pay program benefits and limit the need for contribution rate increases or benefit reductions due to changing economic conditions; and
3. the amount by which the total amount in the trust fund at the end of the previous fiscal year differs from the target fund balance.

The act allows the authority, annually beginning November 1, 2022, to announce a revision to the contribution rate, subject to the 0.5% cap, that must be sufficient to ensure that the trust fund will achieve and maintain the target fund balance. The new contribution rate supersedes the previous rate and becomes effective on the following January 1.

FMLI Benefits (§ 3)

Starting on January 1, 2022, and no later than February 1, 2022, the act requires that the program begin paying FMLI benefits to covered employees who (1) provide notice to the authority and, if applicable, the employee’s employer, about the need for benefits in a form and manner prescribed by the authority and (2) provide certification, upon the authority’s request, about their need for leave and compensation. The certifications must be provided in the same manner the state FMLA requires for medical certifications.

Under the act, the program must provide up to 12 weeks of FMLI benefits to covered employees during any 12-month period, plus two additional weeks of benefits for a serious health condition resulting in incapacitation that occurs during a pregnancy. In addition, the act allows two spouses employed by the same employer to each be eligible for up to 12 weeks of benefits in any 12-month period. It specifies that this eligibility for benefits does not increase their eligibility for job-protected leave beyond what is allowed under the state’s FMLA (which generally requires an employer to provide such spouses with 12 weeks of leave in the aggregate).

The act allows a covered employee to receive FMLI benefits for leave taken for the same reasons allowed under the state’s FMLA, which the act also amends, or family violence leave law. Unemployed covered employees and self-employed individuals and sole proprietors who opt in to the program must receive benefits under like circumstances.

Benefit Uses Under FMLA. Under the FMLA, as amended by the act, eligible employees may take leave:

1. on the birth of the employee’s son or daughter;

2. on the placement of a son or daughter with the employee for adoption or foster care;
3. for a spouse's, son's, daughter's, parent's, or other family member's serious health condition (see below);
4. for the employee's own serious health condition;
5. to serve as an organ or bone marrow donor;
6. for certain family members who are armed forces members undergoing treatment for an injury or illness incurred in the line of duty; and
7. under certain circumstances when certain family members are in the armed forces and on active duty or have been notified of an impending call or order to active duty.

Since the act also adds to the family members for whom an employee can take FMLA leave (see §§ 17-22 below), FMLI benefits must also be available for leave taken with respect to these family members. Under the act, the added family members include the employee's siblings, grandparents, grandchildren, and anyone else related by blood or affinity who has a close association with the employee that the employee shows to be the equivalent of spouse, sibling, son or daughter, grandparent, grandchild, or parent.

The act allows the program to begin paying benefits for parental bonding leave (i.e., for the birth, adoption, or foster placement of an employee's child) before it begins paying benefits for the other types of leave, if the authority determines that it is administratively feasible and prudent.

Benefit Uses Under Family Violence Leave Law. The family violence leave law allows leave for family violence victims to (1) seek medical care or psychological counseling, (2) obtain services from a victim services organization, (3) relocate because of family violence, or (4) participate in any civil or criminal proceeding related to, or resulting from, the family violence.

Benefit Amounts. Under the act, a covered employee's weekly benefit equals 95% of his or her base weekly earnings, up to 40 times the state minimum wage (i.e., \$404 currently), plus 60% of the amount of the employee's base weekly earnings that exceeds 40 times the minimum wage. Total benefits cannot exceed 60 times the minimum wage (i.e., \$606 currently). A covered employee's "base weekly earnings" are 1/26 of his or her total wages or self-employment income earned during the two highest-paid quarters in the worker's base period (i.e., the average weekly earnings during his or her two highest-paid quarters). (PA 19-117 specifies that base weekly earnings include a covered employee's self-employment income only if he or she voluntarily enrolled in the program.)

However, if contributions are at the maximum allowed rate (0.5%) and the authority determines that it is not enough to ensure the program's solvency, the act requires the authority to reduce benefits by the minimum amount needed to ensure solvency.

Under the act, if a covered employee elects to have income taxes deducted and withheld from his or her benefits, the amount specified must be deducted and withheld in a way consistent with state law.

The act allows covered employees to receive benefits for nonconsecutive hours of leave and requires that benefits be available on a prorated basis. Employees may also receive FMLI benefits concurrently with any employer-provided employment benefits as long as their total compensation while they are on leave does not exceed their regular compensation rate. Under the act, no employees can receive FMLI benefits concurrently with unemployment compensation benefits, workers' compensation benefits, or any other state or federal program that provides wage replacement benefits.

Private Plan Option (§ 11)

The act allows an employer to apply to the authority for approval to meet its obligations under the program through a private plan, which the authority must evaluate in coordination with the Insurance Department, as appropriate.

Plan Approval. To be approved, a private plan must:

1. confer the same rights, protections, and benefits provided by the program, including at least the same (a) number of benefit weeks, (b) level of wage replacement for each of those weeks, and (c) benefits in each circumstance specified in the FMLA and family violence leave law;
2. impose no additional conditions or restrictions on using family or medical leave beyond those explicitly authorized in the act's FMLI provisions or implementing regulations;
3. cost employees no more than the premium charged under the state program;
4. cover all employees for the duration of their employment;
5. include future employees;
6. not result in a substantial selection of risks adverse to the FMLI trust or otherwise significantly endanger the fund's solvency;
7. be approved by a majority vote of the employer's employees; and
8. meet any additional requirements the authority establishes.

If the plan is self-insured, the employer must also provide a surety bond to the state from a surety company authorized to do business in the state as a surety. The bond must be in a form as may be approved by the authority and an amount as may be required by the Insurance Department. If the plan provides for insurance, the policy forms must be approved by the insurance commissioner and issued by an approved insurer.

Withdrawal of Approval. The act allows the authority to withdraw its approval of a private plan when the plan's terms or conditions have been violated. The causes for a plan's termination include failures to (1) pay benefits; (2) pay benefits in a timely manner consistent with the public plan (presumably, the FMLI program); (3) maintain an adequate security deposit (i.e., meet the act's surety bond requirement); (4) properly use private plan funds; (5) submit required reports; or (6) comply with the act's FMLI provisions.

Employee Contributions. Under the act, employees enrolled in an approved private plan do not have to contribute to the FMLI trust fund, but their employers may withhold or divert for the plan a portion of their wages that corresponds to the FMLI program's contribution rate. The employer can increase the amount of wages withheld or diverted only (1) on the anniversary of the private plan's effective date or (2) within 30 days after the state adjusts the FMLI contribution rate.

Employee Rights. Under the act, an employee covered by an approved private plan retains all applicable rights under the state's FMLA. The act allows an employee to appeal a private plan's denial of benefits to the labor commissioner and Superior Court under the same appeals procedure established by the act (see *Appeals* below).

Anti-Fraud Enforcement (§ 14)

The act allows the authority to seek repayment of any benefits paid erroneously, due to willful misrepresentation, or before an FMLI claim was rejected. It also gives the authority discretion to waive any repayments or related penalties (see below), in whole or in part, when they would be against equity and good conscience.

Under the act, any program participant who willfully makes a false statement or misrepresentation regarding a material fact, or willfully fails to report a material fact, to obtain FMLI benefits is disqualified from receiving program benefits for two years after making the false statement or failing to report. In cases of willful misrepresentation, the authority may also impose a penalty equal to 50% of the benefits paid due to the misrepresentation. Anyone, including an employer, who intentionally aids, abets, assists, promotes, or facilitates the making of, or attempt to make, such a claim is liable for the same financial penalty as the person attempting to make the claim or receiving benefits under it.

In addition, if benefits are paid to someone due to a health care provider's willful misrepresentation, the authority must notify the labor commissioner and may impose on the health care provider a penalty equal to three times the benefits paid due to the misrepresentation.

Appeals (§ 12)

The act allows a covered employee aggrieved by a denial of benefits, and anyone aggrieved by the imposition of the above anti-fraud penalties, to file a complaint with the labor commissioner. The commissioner must hold a hearing after receiving the complaint and must subsequently send each party a written copy of his decision. The commissioner may award the participant all appropriate relief, including any compensation or benefits for which the covered employee would have otherwise been eligible. Any party aggrieved by the commissioner's decision may appeal to the Superior Court under the Uniform Administrative Procedure Act.

§§ 2, 8, 24 & 25 — PAID FAMILY AND MEDICAL LEAVE INSURANCE AUTHORITY

The act establishes a quasi-public agency called the Paid Family and Medical Leave Insurance Authority to establish and administer the FMLI program. It is a body politic and corporate that constitutes a public instrumentality and political subdivision of the state created to perform an essential public and governmental function. However, it must not be construed as a state department, institution, or agency.

Under the act, the authority continues as long as the FMLI program remains in effect and until its existence is terminated by law. Upon the authority's termination, all of its rights and properties must pass to and be vested in the state.

The act subjects the authority to the same requirements and procedures applicable to the state's other statutorily defined quasi-public agencies (see § 24).

Board of Directors (§§ 2 & 8)

Members. Under the act, the authority's powers are vested in and exercised by a board of directors with 15 voting members. (PA 19-117 reduces the number of voting members from 15 to 13 by making the state treasurer and comptroller

non-voting members.) The board's members include six ex-officio members: the labor commissioner, Office of Policy and Management (OPM) secretary, state treasurer, state comptroller, Department of Administrative Services (DAS) commissioner, and the economic and community development commissioner. All of the ex-officio members may appoint a designee in their place, although the DAS commissioner's designee must be the state's chief information officer. (PA 19-117 allows the DAS commissioner to appoint anyone as his designee, rather than only the chief information officer.)

The table below shows the appointing authority and required qualifications of the other nine board members.

Appointed Authority Board Members

Appointing Authority	Qualifications
House speaker	Individual with skill, knowledge, and experience in the interests of employees
House majority leader	Attorney advocating for employee rights, benefits, and opportunities
House minority leader	Individual with skill, knowledge, and experience in the interests of disability insurance plans
Senate president pro tempore	Impacted person who has personal knowledge and experience with economically distressed and underserved communities and is reflective of such communities' ethnic and economic diversity
Senate majority leader	Individual with skill, knowledge, and experience in the interests of small business employees
Senate minority leader	Individual with skill, knowledge, and experience in the interests of employees of large businesses
Governor	Two individuals with skill, knowledge, and expertise in family and medical leave programs One individual with skill, knowledge, and expertise in modern software practices

The act requires that all initial appointments be made by July 1, 2019, and each of the appointed board members must serve an initial four-year term. After that, appointed successor members for those whose terms have expired must serve six-year terms from July 1 of the appointment year. (PA 19-117 reduces the duration of these terms from six to three years.)

Under the act, (1) members hold office until a successor is duly appointed, (2) appointing authorities must fill vacancies within 30 days after they occur, and (3) previously appointed members may be reappointed. (PA 19-117 additionally deems a board member to have resigned if he or she fails to attend three consecutive meetings or 50% of all meetings held during a calendar year.)

The act requires the governor, House speaker, and Senate president pro tempore to collectively select the board's chairperson from among its members. (PA 19-117 changes this so that only the governor appoints the board's chairperson.) The board must annually elect from among the board members a vice-chairperson and any other officers it deems necessary.

A majority of board members constitutes a quorum for transacting any of the board's business or exercising any of its powers. (Under PA 19-117, a majority of the board's voting members, rather than all of its members, constitutes a quorum; it also specifies that an affirmative vote by a majority of voting members present at a board meeting is sufficient for the board to take action.)

The act requires each board member, within 10 calendar days after his or her appointment, to take and subscribe the oath of affirmation required under the state constitution. The oath must be filed with the secretary of the state. The board members must serve without compensation but be reimbursed, within available appropriations, according to standard travel regulations for necessary expenses they may incur by serving on the board.

Financial Protections and Conflicts of Interest. Each board member or officer authorized by board resolution to handle funds or sign checks for the program must, within 10 calendar days after the board adopts the resolution, execute a surety bond in the penal sum of \$50,000 or procure an equivalent insurance product. Alternatively, the board's chairperson may obtain a blanket position bond covering the executive director and each board member and other authority employee and authorized officer in the penal sum of \$50,000. Each bond or equivalent insurance product must be (1) conditioned upon the faithful performance of the covered individuals' duties and (2) issued by an insurance company authorized to transact business in the state as a surety. The authority must pay each bond's cost.

The act prohibits board members and the authority's officers, agents, and employees from directly or indirectly

having any financial interest in any legal or commercial entity contracting with the authority, including a corporation, business trust, estate, trust, partnership or association, or two or more people having a joint or common interest. (PA 19-117 specifies that a “financial interest” does not include an interest of a de minimis nature or one that is not distinct from that of a substantial segment of the general public.)

The act specifies that it is not a conflict of interest for a trustee, director, officer, or employee of a (1) bank, (2) insurance company, (3) investment advisor, (4) investment company, or (5) investment banking firm to serve as a board member. However, such a board member must abstain from board discussions, deliberations, actions, and votes about any undertaking under the act in which such firm has a direct interest separate from the interests of all similar firms generally.

The act also extends to the authority’s board members, directors, and employees the same civil liability indemnification protections provided by law to officials and employees of other quasi-public agencies (see § 25).

Standard of Care. The act requires board members, in conducting the authority’s business, including its oversight functions, to act (1) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with such matters would use to conduct an enterprise of like character and with like aims and (2) in accordance with the act and other applicable laws. It also requires the board, to the extent reasonable and practicable, to require any agents engaged or appointed by the authority to abide by the same standard of care.

Executive Director (§ 2)

The act allows the board to appoint an executive director, who serves at the pleasure of the board and cannot be a board member. The executive director must be an employee of the authority and receive compensation prescribed by the board.

Under the act, an authorized officer or the executive director, if one is appointed, must supervise the program’s administrative affairs and technical activities according to the board’s directives. The officer or director must keep a record of the program’s proceedings and be the custodian of (1) all books, documents, and papers filed with the program; (2) the program’s minute book or journal; and (3) its official seal. He or she may also (1) have copies made of all of the program’s minutes and other records and documents and (2) certify under the program’s official seal that the copies are true copies. All persons dealing with the program may rely upon these certifications.

Authority Employees (§ 2)

Starting on January 1, 2022, the act requires that the authority’s employees be considered state employees for collective bargaining purposes. To the extent that they are performing jobs that would normally be within a current executive branch bargaining unit, their jobs must be added to the unit descriptions of those bargaining units and deemed part of those units (i.e., they will be covered by those units’ collective bargaining agreements).

Under the act, managerial employees and other employees not covered by a collective bargaining unit are exempt from the state classified service (i.e., they are not subject to certain civil service tests and other requirements). For these exempt positions, the authority does not have to comply with DAS or OPM personnel policies and procedures regarding approval for creating new positions, the number of positions, filling the positions, or the time to fill the positions.

The act authorizes the authority, not the executive branch, to determine whether someone is qualified to fill an unclassified position at the authority. The authority must determine the qualifications and set the terms and conditions of employment for employees who are not covered by a collective bargaining agreement, including establishing compensation and incentive plans, subject to any bargaining obligation that may be created if the employees choose an exclusive bargaining agent under state employee collective bargaining laws.

The act authorizes and empowers the executive branch to (1) negotiate on the authority’s behalf with its employees who are covered by collective bargaining and (2) represent the authority in all other collective bargaining matters. However, the authority is entitled to have a representative present at all such bargaining.

Under the act, in any interest arbitration about the authority’s employees, the arbitrator must take into account the purpose of the act’s provisions on authority employees and the other factors arbitrators must consider under the state employee collective bargaining law (e.g., the existing employment conditions of similar employees; the wages, fringe benefits, and working conditions prevailing in the labor market; and the employer’s ability to pay).

Benefits (§ 2)

Under the act, the authority’s officers and employees are state employees under the state employee retirement system and life and health insurance plans. The authority must reimburse the appropriate state agencies for all costs incurred by this designation.

§ 4 — AUTHORITY POWERS

Board Procedures

The act requires the board, on behalf of the authority and to implement the FMLI program, to adopt written procedures in accordance with the law governing quasi-public agencies' adoption of procedures (see BACKGROUND). The procedures must be for the following:

1. adopting an annual budget and plan of operations, including a requirement for board approval before the budget or plan takes effect;
2. adopting bylaws for regulating the board's affairs and conducting its business;
3. hiring, dismissing, promoting, and compensating authority employees and instituting an affirmative action policy;
4. acquiring real and personal property and personal services, including requiring board approval for any non-budgeted expenditure exceeding \$5,000;
5. contracting for financial, legal, and other professional services, and requiring the authority to solicit proposals at least every three years for such services that it uses;
6. using surplus funds to the extent allowed under the act or by law;
7. establishing an administrative process for the board to review and address grievances, complaints, and appeals about employment at the authority; and
8. implementing the program or any other appropriate provisions of the law.

Authority Powers

The act allows the authority to do the following:

1. adopt an official seal and alter it at the pleasure of the board;
2. maintain an office at places designated by the board;
3. sue and be sued, and plea and be impleaded, in its own name;
4. establish criteria and guidelines for the FMLI program;
5. employ staff, agents, and contractors as necessary or desirable and set their compensation;
6. design, establish, and operate the program to ensure transparency in its management through oversight and ethics review of fiduciaries;
7. design and establish a process by which employees and participating self-employed individuals and sole proprietors must contribute a portion of their subject earnings to the trust;
8. evaluate and establish a process by which employers may credit employee contributions to the trust through payroll deposit;
9. ensure that the contributions are not used for anything except paying benefits; educating and informing people about the program; and paying the program's operational, administrative, and investment costs;
10. establish and maintain a secure website that displays all public notices issued by the authority and other information it deems relevant and necessary to implement the program and educate the public about it; and
11. do all things necessary or convenient to carry out the act's provisions establishing the program.

Contracts and RFPs. The act allows the authority to make and enter into contracts or agreements necessary or incidental to performing its duties and executing its powers. These contracts and agreements are not subject to approval by any other state department, office, or agency, as long as the authority maintains copies of them as public records subject to the proprietary rights of any party to the contracts. The act prohibits any contract from containing a provision in which a contractor derives a direct or indirect economic benefit from denying or otherwise influencing the outcome of any benefits claim.

The act requires the authority's board of directors to issue requests for proposals (RFPs) if it wants to use an outside contractor's services for initial claims processing, website development, database development, or marketing and advertising, or to implement any other program elements. The authority must develop criteria for evaluating proposals related to these RFPs and all other contracts exceeding \$500,000. At a minimum, the criteria must include transparency, cost, operations efficiency, work quality related to the contracts, user experience, accountability, and a cost-benefit analysis documenting the direct and indirect costs that will result from implementing the contracts. Under the act, criteria establishment is subject to the notice and adoption requirements specified in the law governing quasi-public agencies' adoption of procedures.

(PA 19-117 removes the requirements for the board to issue RFPs for these services and the authority to develop criteria for evaluating proposals. Instead, it allows the authority, rather than the board, to determine if it wants to use an

outside contractor for initial claims processing, website development, database development, or marketing and advertising. If so, the standard criteria for evaluating the responding proposals, and all other contracts exceeding \$250,000, must include the above factors. Any additional standard criteria must be approved by a two-thirds vote of the board after it has been posted for notice and comment on the authority's website for at least one week before the vote.)

FMLI Policies and Procedures. The act allows the authority to establish FMLI policies or written procedures, as appropriate, in accordance with the law governing quasi-public agencies' adoption of procedures. These may include policies or procedures for the following:

1. establishing a process to determine whether someone meets the requirements for FMLI benefits, including the certification needed to establish eligibility;
2. establishing how any books, records, documents, contracts, or other papers relevant to a covered employee's eligibility must be examined or caused to be produced or examined;
3. establishing how to summon and examine under oath witnesses who provide information relevant to a covered employee's claim for benefits;
4. ensuring the confidentiality of records and documents related to medical certifications, recertifications, or medical histories of covered employees and their family members as required under the FMLA;
5. establishing the percentage of subject earnings each employee and participating self-employed and sole proprietor must contribute to the trust fund, as long as it does not exceed 0.5%;
6. certifying the fund's ongoing solvency and adjusting benefits as needed to ensure the fund's solvency, as allowed under the act, as long as the contribution rate is at its statutory maximum (i.e., 0.5%); and
7. determining whether an employer meets the requirements for administering a private plan, including (a) approving, overseeing, and terminating a private plan and (b) developing potential alternate subject earning measures to calculate benefits under private plans.

MOUs With Other Agencies. The act allows the authority to enter into agreements with any Connecticut state or federal department, agency, office, or instrumentality to carry out the program's purposes. It specifies that these may include memoranda of understanding (MOUs) with:

1. the state Department of Labor (DOL) and other state agencies for (a) gathering or disseminating information needed to operate the program, subject to any agreed upon or legally required confidentiality obligations; (b) sharing costs incurred by gathering and disseminating this information; and (c) reimbursing costs for any enforcement activities conducted under the act's anti-fraud provisions (the act also allows each state agency to enter into these MOUs);
2. DOL and the Department of Revenue Services (DRS) for (a) collecting employee contributions and (b) the authority's reimbursement of costs incurred related to collecting the contributions (the act requires DOL and DRS to enter into these MOUs); and
3. DOL for (a) adjudicating claims by covered employees contesting a denial of FMLI benefits and (b) reimbursement by the authority for any DOL-incurred costs related to adjudicating contested claims or penalties imposed under the act's anti-fraud provisions (the act requires DOL to enter into these MOUs).

Authority Data Use. The act allows the authority, regardless of any state law but consistent with federal law, to use state administrative data collected by any agency to carry out and implement the program. This can include data from eligibility determinations, benefit calculations, program planning, recipient outreach, and continuous improvement and program evaluation, including assessments of longitudinal impacts. Subject to the same limits, the authority may also share user data and other data collected through program administration with other state agencies for, among other things, (1) improving benefit and service delivery to program participants and others; (2) streamlining eligibility determinations for programs administered by other agencies; and (3) recipient outreach and continuous improvement and program evaluation, including assessments of longitudinal impacts.

The act deems these data-sharing activities, as well as compensation to other state agencies for any associated costs, as appropriate administrative expenses for the program.

§§ 5-7 & 23 — FMLI TRUST FUND

Trust Fund (§ 5)

The act establishes the FMLI Trust Fund to provide FMLI benefits to covered employees. The trust is a non-lapsing fund held by the state treasurer separate and apart from all other moneys, funds, and accounts. Investment earnings credited to the fund must become part of it. The trust's assets must be used for (1) FMLI benefits; (2) paying the authority's operational and administrative costs; (3) educating and informing people about the FMLI program; and (4) paying the trust's operational, administrative, and investment costs. The act makes the trust an instrumentality of the state

and requires that it perform essential government functions. It must receive and hold all payments and deposits or contributions intended for it, plus any gifts, bequests, and endowments; federal, state, or local grants; any other funds from a public or private source; and all earnings until disbursed.

Under the act, the amounts deposited in the trust are not state property, and the trust must not be construed as a state department, institution, or agency. Amounts in the trust cannot be comingled with state funds, and the state must not have any claim to or against, or interest in, the funds.

Under the act, any contract or obligation made by the trust is not a state debt or obligation, and the state does not have any obligation to a designated beneficiary or any other person because of the trust. All debts owed by the trust are limited to the amounts available to pay the debt deposited in the trust. The trust must exist (1) as long as it holds any deposits or has any obligations and (2) until it is terminated by law. If the fund is terminated by law, however, any unclaimed funds become assets of the state.

The act subjects the trust's property to the law for determining when property held by a fiduciary is presumed abandoned (CGS § 3-61a). Thus, property in the trust is presumed abandoned unless, within seven years after it became payable or distributable, the owner has (1) increased or decreased the principal; (2) accepted payment of principal or income; (3) corresponded in writing with the fiduciary about the property; or (4) otherwise indicated an interest through a memorandum on file with the fiduciary.

State Treasurer's Duties (§§ 5-7 & 23)

The act makes the state treasurer responsible for receiving and investing money held by the trust. The trust can receive cash deposits only, and no depositor or designated beneficiary may direct the investments of any contributions or amounts in the trust other than the specific fund options the trust provides.

The act requires the treasurer, on behalf of the FMLI Trust Fund and for its purposes, to:

1. receive and invest the trust's funds in any instruments, obligations, securities, or property as required under the act;
2. procure insurance, if he deems it necessary, to protect the trust's property, assets, activities, deposits, or contributions; and
3. apply for, accept, and expend gifts, grants, or donations from public or private sources to carry out the trust's objectives.

The act requires the treasurer to invest funds in the trust in a manner reasonable and appropriate to achieve the trust's objectives. In doing so, he must exercise the discretion and care of a prudent person in similar circumstances with similar objectives. The treasurer must give due consideration to rate of return; risk; term or maturity; diversification of the trust's total portfolio; liquidity; projected disbursements and expenditures; and expected payments, deposits, contributions, and gifts to be received.

The act prohibits the treasurer from requiring the trust to invest directly in (1) any obligations of the state or its political subdivisions or (2) any other treasurer-administered investment or fund. The trust's assets must be continuously invested and reinvested in a manner consistent with the trust's objectives until they are disbursed under the authority's order or spent on the trust's operating expenses.

The act subjects the treasurer's trust investments to the same oversight and requirements that the law establishes for other treasurer-administered funds, such as the Teachers' Pension Fund, the State Employee Retirement Fund, and the Connecticut Municipal Employees' Retirement Fund (see § 23). Among other things, these provisions include investment review by the Investment Advisory Council.

§ 10 — FMLI PUBLIC EDUCATION CAMPAIGN AND WEBSITE

Starting January 1, 2020, the act requires the authority to conduct a public education campaign to inform people and employers about the FMLI program. At a minimum, the campaign must include information about the (1) requirements for receiving program benefits, (2) benefit application process, and (3) circumstances under which benefits may be available. The act allows the authority to use funds from the FMLI Trust Fund for the campaign. Information distributed or available under the campaign must be in English, Spanish, and any other language the authority prescribes.

The act requires the authority to ensure, to the greatest extent practicable, that any website, web-based form, application, or digital service meets the following criteria:

1. is accessible to people with disabilities in accordance with WCAG (Web Content Accessibility Guidelines) 2.0AA or a similar, updated standard;
2. has a consistent appearance;
3. contains a search function that allows users to easily search content intended for public use;

4. is provided through an industry standard secure connection;
5. is designed around user needs with data-driven analysis influencing management and development decisions, using qualitative and quantitative data to (a) determine user goals, needs, and behaviors and (b) continually test it to ensure that user needs are addressed;
6. provides users with the option for a more customized digital experience that allows them to complete digital transactions in an efficient and accurate manner;
7. is fully functional and usable on common mobile devices; and
8. uses free and open-source tools when possible, such as open standards in accordance with the U.S. Web Design Standards built by the U.S. General Services Administration.

§ 13 — EMPLOYER NOTICE REQUIREMENT

Starting July 1, 2022, the act requires employers to notify their employees at the time of hiring and every year thereafter:

1. about their entitlement to family and medical leave, as amended by the act, and family violence leave and the terms under which the leaves may be used;
2. about the opportunity to file a benefits claim under the FMLI program;
3. that employer retaliation against an employee for requesting, applying for, or using family medical leave for which an employee is eligible is prohibited; and
4. that the employee can file a complaint with the labor commissioner for any violation of the FMLA or family violence leave law, as amended by the act.

The act also allows the labor commissioner to adopt regulations establishing additional requirements about how employers must provide this notice.

§§ 14 & 15 — OTHER PROVISIONS

The act requires a health care provider to complete a medical certification for a patient's serious medical condition at the patient's request and with no charge.

It also specifies that nothing in its FMLI provisions or the state FMLA, as amended by the act, (1) prevents employers from providing more expansive benefits; (2) diminishes any rights provided to covered employees under the terms of their employment or a collective bargaining agreement; or (3) interferes with, impedes, or diminishes any employee's right to collectively bargain for wages or working conditions that exceed the minimums established in the FMLI program or the state FMLA.

§ 16 — REPORT REQUIREMENT

Beginning by July 1, 2022, the act requires the authority to submit an annual report to OPM and the Labor and Public Employees and Appropriations committees on the (1) projected and actual program participation; (2) trust's balance; (3) reasons why covered employees are receiving FMLI benefits; (4) success of outreach and education efforts; (5) claimants' demographic information, including their gender, age, town of residence, and income level; and (6) total number of claims made and denied.

§§ 17-22 — CHANGES TO CURRENT FMLA

Starting on January 1, 2022, the act changes various provisions of the state's FMLA to expand the law to cover more employers and employees and allow employees to take FMLA leave to care for a wider range of family members, among other things.

Covered Employers and Employee Eligibility in the Private Sector (§ 17)

Until January 1, 2022, the law requires private-sector employers with at least 75 employees to provide eligible employees with unpaid, job-protected FMLA leave. Starting on this date, the act reduces this employee threshold from 75 to one, thus covering all private-sectors employers in the state (except non-public elementary or secondary schools). It correspondingly eliminates a requirement for DOL to determine the number of employees for an employer each October 1.

Until January 1, 2022, private-sector employees are eligible for FMLA leave if they had worked for their employer

for at least 12 months and 1,000 work-hours over the 12-month period preceding their first day of leave. Starting on this date, the act instead makes employees eligible if they have worked for their employer for at least three months immediately preceding their request for leave, with no minimum requirement for hours worked.

Expanded Family Members (§§ 17-18)

Until January 1, 2022, the law allows employees to take leave for their own serious health condition or to provide care for the serious health condition of their (1) children who are either younger than age 18 or unable to care for themselves, (2) spouses, or (3) parents (including in-laws).

Starting January 1, 2022, the act expands the family members for whom an employee can take leave to include the employee's siblings, grandparents, grandchildren, and adult children. All of these family members include those related by adoption and through foster care. Siblings, grandparents, and grandchildren also include those related by marriage. The act also allows an employee to take leave to care for anyone else with a serious health condition if they are related by blood or affinity and have a close association with the employee that the employee shows to be the equivalent of spouse, sibling, son or daughter, grandparent, grandchild, or parent.

Maximum Leave Duration (§ 18)

Starting January 1, 2022, the act changes the maximum amount of leave to which an eligible employee is entitled from 16 weeks over a 24-month period to 12 weeks over a 12-month period. It also allows an additional two weeks of leave due to a serious health condition that results in incapacitation during pregnancy.

Employer-Provided Paid Leave (§§ 18 & 21)

The law allows an employer to require employees to use their accrued employer-provided paid vacation, personal, family, medical, or sick leave when they are on FMLA leave. Starting January 1, 2022, the act limits the extent to which employers may impose this requirement by requiring them to allow employees to retain at least two weeks of their employer-provided paid leave.

The law also requires employers to allow their employees to use up to two weeks of their employer-provided paid sick leave for a parent, spouse, or child's serious health condition or the birth or adoption of a child. Starting January 1, 2022, the act expands this requirement to include serious health conditions of other family members, as specified in the act (see §§ 17 & 18 above).

Military Caregiver Leave (§ 18)

The law allows employees covered by the FMLA to take a one-time benefit of up to 26 weeks of unpaid leave when certain family members or "next of kin" in the armed forces undergo treatment for an injury or illness incurred in the line of duty. Starting January 1, 2022, the act allows the injured armed forces member to designate someone as their "next of kin" (thus making him or her eligible for the leave and FMLI benefits) if their close association is the equivalent of a family member.

Confidentiality (§ 20)

With certain exceptions, the FMLA requires employers to keep records and documents related to their employees' medical histories and medical certifications as confidential medical records under the state's Personnel Files Act. The act extends this requirement to include the same records related to providing FMLI benefits.

DOL Regulations (§ 22)

The act requires the labor commissioner, by January 1, 2022, to adopt new regulations establishing the procedures and guidelines needed to implement the FMLA as amended by the act. The regulations must at least include (1) guidelines on the factors to be considered when determining whether someone's close association with an employee is the equivalent of a family member's and (2) as under prior law, procedures for hearings and redress, including restoration and restitution, for an employee who believes an employer has violated any of the act's or these laws' provisions. Unlike the required process for adopting the current FMLA regulations, the commissioner does not have to make reasonable efforts to ensure these new regulations are compatible with the federal FMLA and its regulations.

§ 26 — UNEMPLOYMENT NON-CHARGE

The act creates a “non-charge” against an employer’s experience rate when an employer lays off an employee due to the return of someone who had been out on bona fide FMLA leave. In effect, this allows an employer to lay off an employee who was temporarily filling the position of someone on FMLA leave without increasing the employer’s unemployment taxes (see BACKGROUND). The laid-off employee would also be eligible to receive unemployment benefits, assuming he or she also met the law’s other requirements. (PA 19-117 changes this provision’s effective date from July 1, 2019, to January 1, 2022.)

Unlike most other unemployment non-charges, the act’s non-charge provision also applies to “reimbursing employers” (e.g., the state and municipalities) who do not pay unemployment taxes but instead directly reimburse the unemployment trust fund for the amount of benefits collected by their former employees.

BACKGROUND

Quasi-Public Agency Procedure Adoption

The law requires quasi-public agencies, before adopting a proposed procedure, to provide at least 30 days’ notice by publishing its intended action in the Connecticut Law Journal. The notice must include either a (1) statement of the terms or substance of the proposed procedure or (2) sufficiently detailed description to apprise people about the issues and subjects involved in the proposal. It also must contain a statement of the proposed procedure’s purpose and address when, where, and how interested persons may present their views on the proposed procedure.

A quasi-public agency may adopt a proposed procedure only by a two-thirds vote of the full membership of the quasi-public agency’s board of directors (CGS § 1-121).

Unemployment Non-Charge

In general, a portion of a private-sector employer’s unemployment insurance tax is based on the employer’s “experience rate,” which reflects the amount of unemployment benefits paid to former employees. Typically, laying off employees leads to a higher experience rate and higher unemployment tax for the employer. The law, however, allows several non-charging separations in which an employee can collect benefits that are not charged against a former employer’s experience rate (e.g., voluntarily leaving work to care for a seriously ill spouse, parent, or child), and thus do not increase the employer’s unemployment taxes. In these instances, the cost of the benefits paid to the former employee is shared by all employers who pay unemployment taxes.

PA 19-68—sSB 356

*Labor and Public Employees Committee
Appropriations Committee*

AN ACT ESTABLISHING THE CONNECTICUT APPRENTICESHIP AND EDUCATION COMMITTEE

SUMMARY: This act modifies the education commissioner’s committee to coordinate public school students’ education on manufacturing careers by:

1. renaming the committee the “Connecticut Apprenticeship and Education Committee;”
2. broadening the committee’s scope to include additional fields, including insurance, health care, financial technology, biotechnology, STEM (science, technology, engineering, and math), construction trades, hospitality industries, and other appropriate industries;
3. modifying the committee’s membership; and
4. modifying the information included in the committee’s required annual report and establishing July 1, 2020, as the first reporting date.

The act also eliminates the requirement that the committee annually produce a catalog of manufacturing training programs at institutions of higher education that must be distributed to local and regional boards of education.

The act makes corresponding changes to statutes requiring the (1) education commissioner to introduce students to careers in manufacturing and (2) State Department of Education (SDE) to produce a best practices guide for school districts.

It also makes technical and conforming changes.
EFFECTIVE DATE: Upon passage

COMMITTEE DUTIES

Prior law required the committee to coordinate the education of middle school and high school students on careers in manufacturing. The act instead requires the committee to coordinate and identify (1) potential pre-apprenticeship and apprenticeship training program integration and (2) leveraged funding for career technical education programs in high schools and higher education institutions for careers in various industries.

COMMITTEE MEMBERSHIP

Under prior law, committee membership included, but was not limited to:

1. representatives from the economic and community development and labor departments, Connecticut Center for Advanced Technology, Technical Education and Career System, regional community-technical colleges' advanced manufacturing centers, independent higher education institutions that offer manufacturing training, Connecticut Employment and Training Commission, and manufacturing companies and employee organizations that represent manufacturing workers; and
2. middle and high school teachers, guidance counselors, and school counselors.

The act adds to the committee membership (1) a representative from the Connecticut Manufacturers Collaborative; (2) school principals and superintendents; and (3) representatives of all companies, instead of only manufacturing companies, that represent manufacturing workers.

ANNUAL ANALYSIS OF APPRENTICESHIP PROGRAMS

Prior law required the committee to (1) consult with the manufacturing industry to annually report on whether current manufacturing programs are meeting workforce needs and (2) submit its report to the Commerce and Higher Education and Workforce Advancement committees by February 1 each year.

The act requires the committee to instead annually report on whether the state's apprenticeship training programs are meeting residents' needs. When producing the report, the committee must:

1. coordinate and identify potential modern pre-apprenticeship and apprenticeship training programs;
2. review and consider European apprenticeship training programs; and
3. consult with members of the insurance, health care, financial technology, biotechnology, STEM, construction trades, hospitality industries, and other appropriate industries, in addition to the manufacturing representatives.

The act establishes July 1, 2020, as the revamped committee's first annual reporting date and requires the committee to submit the report to the Labor and Public Employees Committee, in addition to the two committees mentioned above.

COMMISSIONER DUTIES

The act requires the education commissioner, in consultation with the committee, to introduce public school students to careers in all the above listed industries, instead of only manufacturing, as under prior law.

The act expands existing law's requirement for the commissioner to develop and administer a program to introduce middle and high school students, their parents or guardians, and guidance and school counselors to careers in manufacturing by additionally requiring a program to introduce the same groups to careers in all the above listed industries.

BEST PRACTICES GUIDE

Prior law required SDE, in consultation with the manufacturing industry and the Connecticut Center for Advanced Technology, to develop a best practices guide to help local and regional boards of education incorporate relationships with manufacturing in their middle school and high school curricula. The act expands this requirement to include all the industries mentioned above.

PA 19-69—SB 359

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT EXTENDING WHISTLEBLOWER PROTECTIONS TO EMPLOYEES OF BUSINESSES RECEIVING FINANCIAL ASSISTANCE FROM THE STATE

SUMMARY: This act expands the state’s whistleblower protection law to cover entities that receive state financial assistance under the commerce and economic and community development laws (“financial aid recipients”). It does so by making them “large state contractors” under the whistleblower law.

In general, the whistleblower law allows anyone to report specific kinds of misconduct by state agencies or large state contractors to the state auditors of public accounts for investigation. Whistleblowers who believe they are being retaliated against may, among other actions, file a complaint with the chief human rights referee at the Commission of Human Rights and Opportunities (CHRO).

By making state financial aid recipients large state contractors under the law, the act, among other things:

1. allows people to report to the state auditors about corruption occurring in a recipient’s contract for assistance and requires the auditors to then review the matter and make recommendations to the attorney general;
2. prohibits the recipients from taking or threatening to take any personnel action against an employee (i.e., whistleblower) for disclosing information to the state auditors or assisting in a subsequent proceeding; and
3. requires the recipient’s contract for state financial assistance to include a provision that makes the recipient liable for a civil penalty of up to \$5,000 per offense for a retaliatory personnel action taken against a whistleblower employee.

EFFECTIVE DATE: October 1, 2019

WHISTLEBLOWER LAW*Whistleblower Reports to State Auditors*

The act allows anyone to inform the state auditors about (1) any corruption, violation of state or federal laws, gross waste of funds, abuse of authority, or public safety danger occurring in the state financial aid recipient’s contract for such aid or (2) corruption by a recipient that failed to meet its contractual obligations or satisfy any condition for its financial aid. As under the whistleblower law for other large state contractors, the auditors must review the matter and report their findings and recommendations to the attorney general, who must investigate as he deems proper. After the investigation, the attorney general must, when necessary, report his findings to the governor, or if the matter involves a crime, to the chief state’s attorney.

Retaliation

The act’s extension of the whistleblower law prohibits a state financial aid recipient’s officers or employees from taking, or threatening to take, any personnel action against an employee for disclosing information to (1) the state auditors or (2) a state employee of the contracting state agency about information involving the contract for state aid. In addition, the recipient’s officers or employees cannot take or threaten a personnel action against an employee for testifying or providing assistance in a proceeding allowed under the whistleblower law.

A whistleblower who learns of a prohibited retaliatory personnel action may file a complaint with CHRO’s chief human rights referee or, after exhausting all available administrative remedies, bring a civil suit. In addition, if the personnel action occurred within two years after the whistleblower informed the state auditors, the law creates a rebuttable presumption that the action was taken in retaliation.

As with other large state contractors, if an officer or employee of the financial aid recipient retaliates for the disclosure of information to the state auditors by taking or threatening to take any action to impede, fail to renew, or cancel a contract between it and the state or one of the recipient’s subcontractors, the affected state agency or subcontractor may bring a civil action in Hartford Superior Court for damages, attorney’s fees, and costs.

Contract Provision on Retaliation

As under the whistleblower law for other large state contractors, the act requires each contract between a state or quasi-public agency and a state financial aid recipient to include a provision that makes the recipient liable for a civil

penalty of up to \$5,000 per offense, but not to exceed 20% of the contract's value, for any retaliatory personnel actions by the recipient's officers or employees against a whistleblower.

It also requires each recipient to post a notice of the whistleblower law's provisions that relate to state financial aid recipients in a conspicuous place that is readily available for viewing by its employees.

PA 19-107—HB 6346

Labor and Public Employees Committee

AN ACT CONCERNING THE REVIEW OF MUNICIPAL ARBITRATION AWARDS

SUMMARY: By law, a municipality may reject an arbitration award within 25 days after it receives the arbitrator's decision. This act extends the deadline to the next business day if the 25th day falls on a weekend or holiday. Under existing law, rejecting a municipal arbitration award requires a two-thirds vote of the members of a municipality's legislative body who are present at a regular or special meeting called and convened for that purpose.

EFFECTIVE DATE: October 1, 2019

PA 19-142—sHB 6921

Labor and Public Employees Committee

Appropriations Committee

AN ACT ESTABLISHING A COUNCIL ON THE COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD

SUMMARY: This act establishes a 20-member legislative Council on the Collateral Consequences of a Criminal Record ("the council") which must (1) study discrimination faced by people in the state living with a criminal record and (2) develop legislative recommendations to reduce or eliminate discrimination based on a person's criminal history.

The act names the Labor and Public Employees Committee ("Labor Committee") chairpersons as the council's chairpersons and requires them to schedule and hold the first meeting by August 30, 2019. After that, the council must meet upon the call of either the chairpersons or a majority of the council members. It must hold at least three public forums in Connecticut communities to allow the public to provide input on the council's focus. The Labor Committee's administrative staff must serve as the council's administrative staff.

The council must submit a report on its legislative recommendations to the Labor Committee by February 1, 2020.

EFFECTIVE DATE: July 1, 2019

COUNCIL MEMBERS

The act establishes the council with 10 ex-officio members and 10 appointed members. The ex-officio members are the (1) chairpersons and ranking members of the Labor Committee; (2) undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; (3) correction, labor, and consumer protection commissioners; (4) Commission on Human Rights and Opportunities' executive director; and (5) Commission on Equity and Opportunity's executive director. (PA 19-117, §§ 105-143 & 388, merges the Commission on Equity and Opportunity with the Commission on Women, Children and Seniors to create a single entity: the Commission on Women, Children, Seniors, Equity and Opportunity.)

All of the ex-officio members may appoint designees to the council; however, the designees of the Labor Committee's chairpersons and ranking members must be members of the General Assembly.

Under the act, the remaining 10 members of the council must be appointed by either the House or Senate chairperson of the Labor Committee and have certain qualifications, as shown in the table below.

Appointed Members

<i>Appointed by House Chair of the Labor Committee</i>	<i>Appointed by Senate Chair of the Labor Committee</i>
A justice-impacted person	Representative from the American Civil Liberties Union of Connecticut
Representative from the Connecticut Coalition for Achievement Now	Representative from the Connecticut Coalition to End Homelessness
Representative from the Institute for Municipal and Regional Policy	Representative from the Katal Center for Health, Equity, and Justice
Representative from the National Council for Incarcerated and Formerly Incarcerated Women and Girls	Representative from the New Haven Legal Assistance Association Reentry Clinic
Representative from the Service Employees' International Union, Local 32BJ	Representative from Voices of Women of Color

PA 19-11—sHB 6754

Planning and Development Committee

AN ACT CONCERNING REIMBURSEMENT FOR THE PURCHASE OF BODY-WORN ELECTRONIC RECORDING EQUIPMENT

SUMMARY: Existing law requires the Office of Policy and Management (OPM) to, within available resources, administer a grant program that reimburses municipalities for body-worn recording equipment (i.e., body cameras) and other law enforcement recording equipment and services they purchase.

This act allows OPM to reimburse municipalities, within available resources, for up to 100% of the costs associated with the body cameras they purchased during FYs 17 and 18 if they (1) paid for the equipment by August 31, 2018, and (2) purchased them in sufficient quantities.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Sufficient Quantity

As under existing law, sufficient quantity means purchasing enough body cameras to ensure that sworn police department members and certain others who perform criminal law enforcement duties (e.g., constables) are supplied with the equipment while interacting with the public in their law enforcement capacity.

The number of cameras sufficient for these purposes must be determined by (1) the municipality’s police chief or (2) the first selectman or borough warden, if there is no police chief (CGS § 7-277b(b)(1)(A)).

Compliance with Body Camera Requirements

By law, sworn members of a municipal police department in a municipality that received OPM reimbursement for body cameras must generally comply with the state’s body camera law. Among other things, this law (1) prescribes when body cameras must be used and how they must be worn, (2) requires body cameras to meet certain minimal technical specifications, (3) prohibits law enforcement officers from recording certain activities, (4) allows law enforcement to withhold certain images from disclosure to the public, and (5) requires officers to receive certain training on how to use the equipment (CGS § 29-6d).

PA 19-36—sHB 5125

Planning and Development Committee

AN ACT INCREASING THE PROPERTY TAX ABATEMENT FOR CERTAIN FIRST RESPONDERS

SUMMARY: This act increases the maximum property tax abatement that municipalities may provide by ordinance to certain active and retired volunteer emergency personnel from (1) \$1,000 to \$1,500 for FYs 20 and 21 and (2) \$1,500 to \$2,000 for FY 22 and thereafter.

By law, a municipality may provide tax relief to qualifying volunteer emergency personnel (see BACKGROUND) in the form of either an abatement or an exemption. An abatement is a reduction in the amount of taxes owed; an exemption is a reduction in the property’s assessed value for tax purposes.

Under prior law, either form would reduce the amount a qualifying taxpayer owes by up to \$1,000. The act increases the amount of such relief a municipality may provide via abatements but not exemptions.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Tax Relief for Volunteer Emergency Personnel

By law, municipalities may provide tax relief to the following types of active and retired volunteers:

1. local emergency management directors;
2. firefighters and fire police officers;
3. emergency medical technicians;
4. paramedics;
5. civil preparedness staff;
6. active members of a volunteer canine search and rescue team;
7. active members of a volunteer underwater search and rescue team;
8. ambulance drivers in the municipality; and
9. retired volunteer firefighters, police officers, or emergency medical technicians who have completed at least 25 years of service in those roles.

The tax relief ordinance may also authorize interlocal agreements for providing tax relief to certain active and retired volunteers who live in one municipality but volunteer or volunteered their services in another municipality.

PA 19-66—sSB 140

Planning and Development Committee

Finance, Revenue and Bonding Committee

AN ACT EXPANDING ELIGIBILITY FOR TAX RELIEF FOR CERTAIN ELDERLY HOMEOWNERS

SUMMARY: By law, certain elderly and disabled real property owners are entitled to property tax relief under the state’s “Circuit Breaker Program” (i.e., the Elderly and Disabled Homeowners’ Tax Relief Program). This program entitles older adults and individuals with a permanent and total disability to a property tax reduction, which varies based on the person’s income.

Under this act, eligible property owners include owners of real property that is held in trust for the owner. Prior law was silent regarding such trusts, but previous agency guidance limited eligibility for such property to that held in irrevocable trusts (see BACKGROUND). Under the act, to qualify for tax relief on a home that is held in trust, the owner or the owner and his or her spouse must be both the grantor and beneficiary of the trust. (A grantor transfers property to a trust that is managed by a trustee for the trust beneficiaries.)

Under existing law, unchanged by the act, a tenant for life (i.e., an individual entitled to use the property for the duration of his or her life) is generally eligible for the Circuit Breaker Program if he or she is responsible for paying property taxes on the home he or she occupies and otherwise qualifies for the tax relief.

EFFECTIVE DATE: October 1, 2019, and applicable to assessment years beginning on or after that date.

BACKGROUND

Previous Agency Guidance

Beginning in 2018, the Office of Policy and Management’s (OPM’s) Circuit Breaker Program guidance handbook specified that in order for an individual whose home is held in trust to participate in the program, the home must be held in an irrevocable trust. Before 2018, OPM’s handbook did not distinguish between revocable and irrevocable trusts.

PA 19-79—SB 1082

Planning and Development Committee

AN ACT CONCERNING FUNDING FOR PUBLIC SAFETY ANSWERING POINTS AND INCENTIVES FOR REGIONALIZATION AND CONSOLIDATION THEREOF

SUMMARY: This act establishes an enhanced subsidy formula for regional public safety emergency telecommunications centers that serve at least one municipality with a population of at least 100,000 as of July 1, 2016. The act also modifies the Department of Emergency Services and Public Protection’s (DESPP) Division of State-Wide Emergency Telecommunication’s (DSET) responsibilities and statewide emergency service telecommunications policy.

Public safety answering points (PSAPs) are 24-hour facilities that receive 9-1-1 calls and dispatch emergency

response services (e.g., fire and police) or transfer the calls to other public safety agencies. Regional public safety emergency telecommunications centers are PSAPs that serve three or more municipalities (“regional PSAPs”).

The act specifies that the subsidies to other regional PSAPs cannot be reduced as a result of the new enhanced subsidy payments to large regional PSAPs.

The act also requires DSET to examine the use of a cost-of-living adjustment in the funding formula and report its findings and any recommendations for legislative action to the Public Safety and Security Committee by February 15, 2020, unless it adopts regulations before then.

EFFECTIVE DATE: Upon passage

ENHANCED SUBSIDY FORMULA FOR LARGE REGIONAL PSAPS

Enhanced Subsidy Formula

Under the act, the enhanced subsidy calculation weighs the number of calls a PSAP receives more heavily than the size of the population it serves. Except as described below, the enhanced subsidy for a regional PSAP serving at least one municipality with a population of at least 100,000 (“large regional PSAP”) is based on the:

1. region’s aggregate population (RPOP), which is the aggregate population of municipalities a PSAP serves (determined by the Department of Public Health’s most recent population figures);
2. regional population value (RPV), which equals 25% of the total FY 18 subsidy paid to all regional PSAPs, divided by the aggregate population of municipalities served by such PSAPs in existence on December 31, 2017;
3. average annual number of 9-1-1 calls a regional PSAP received over the prior three calendar years (the RCALL); and
4. regional call value (RCV), which equals 75% of the total FY 17 subsidy paid to all regional PSAPs, divided by total number of 9-1-1 calls received in FY 18 by such PSAPs in existence on December 31, 2017.

The modified calculation is as follows:

$$(RPOP \times RPV) + (RCALL \times RCV)$$

The act requires the RPV and RCV to be updated annually starting July 1, 2020, for any increase in inflation (based on the consumer price index for all urban consumers during the three calendar years preceding the adjustment, as published by the U.S. Department of Labor’s Bureau of Labor Statistics).

The act includes an exception for member municipalities of a regional PSAP that do not provide (1) emergency police, fire, and medical services, and (2) emergency medical dispatch services. Under the act, the RPOP and RCALL for such municipalities are excluded from the calculation unless the municipality is served exclusively by the state police for law enforcement purposes. In that case, the RPOP and RCALL of such municipalities are included only for the provision of emergency police services.

The act requires DESPP to amend its regulations to adopt an enhanced subsidy formula that is substantially similar to the one the act establishes. The statutory formula applies to enhanced subsidy calculations for large regional PSAPs beginning July 1, 2019, and ending on the earlier of (1) May 1, 2020, or (2) the date on which DSET’s amended regulations are posted on the secretary of the state’s eRegulations System.

DSET EMERGENCY SERVICES TELECOMMUNICATIONS POLICY

The act requires DSET to establish incentives, rather than just a transition grant program, to encourage PSAPs to regionalize. It requires the DESPP commissioner to include the costs of such incentives in its annual report to the Public Utilities Regulatory Authority on the enhanced 9-1-1 (E 9-1-1) program’s funding. By law, E 9-1-1 is a service that enables users to reach the appropriate PSAP based on the geographic location of the call and is funded by fees assessed against subscribers of certain telephone and commercial mobile radio services.

Existing law requires DSET to review and make recommendations on emergency service telecommunication funding to the General Assembly. The act requires it to include ways to reduce costs by removing barriers to PSAP consolidation.

The act additionally specifies that DSET must, when coordinating and assisting in state-wide planning for 9-1-1, E 9-1-1, and the next generation 9-1-1 telecommunications systems, focus on facilitating the regionalization of PSAPs.

PA 19-81—SB 527

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT PERMITTING MUNICIPALITIES TO COMBINE THE PROPERTY ASSESSMENTS OF MULTIPLE ELECTRIC GENERATING FACILITIES

SUMMARY: By law, a municipality may treat a power plant built after July 1, 1998, as though it were located in an enterprise zone and used for commercial or retail purposes. This means that, with approval of its legislative body, it can fix the full amount of either the property taxes or assessment on the plant's real and personal property.

This act allows a municipality, with the approval of its legislative body, to extend such tax benefits to existing power plants built before July 1, 1998, if a new plant is added on the same site and construction is completed after July 1, 2019. The existing and new plants may be treated as a single combined plant for purposes of fixing its tax and assessments.

Under the act, for assessment years commencing on and after October 1, 2018, municipalities may fix the full amount of either the property tax or assessment on the combined plant's real and personal property before, during, and after construction of the new plant, despite the enterprise zone law's requirement that towns fix property taxes or assessments only after the property improvement occurs.

The taxes or assessments set by the municipality must approximate the combined plant's projected tax liability based on a reasonable estimate of its fair market value that the municipality determined using its best efforts.

EFFECTIVE DATE: Upon passage and applicable to assessment years beginning on and after October 1, 2018.

PA 19-92—sSB 1070

*Planning and Development Committee
Judiciary Committee*

AN ACT CONCERNING ABANDONED AND BLIGHTED PROPERTY RECEIVERSHIP

SUMMARY: This act establishes a mechanism to rehabilitate abandoned properties in municipalities with populations of at least 35,000 by providing that if an owner of a residential, commercial, or industrial building fails to maintain it in accordance with applicable municipal codes, the Superior Court may appoint a receiver. Under the act, a "receiver" is a person or entity that takes possession of a building under the act's provisions to rehabilitate or otherwise dispose of it. In addition to the existing authority municipalities have to address blight, the act's receiver mechanism provides an additional option (see BACKGROUND).

Lienholders and individuals and entities with development capacity may seek to be appointed as the receiver and, once appointed, are granted the power to rehabilitate the property pursuant to a court-approved plan. Once the property is rehabilitated, the court may approve its sale, free of any encumbrances. The act (1) establishes a process for distributing sale proceeds and (2) requires the receiver to draft a deed after the sale that states that (a) recognizable and marketable title to the property is vested in the purchasers and (b) prior ownership interests are extinguished.

Unless terminated by the court, a receivership continues even if the property owner sells the property or it is foreclosed by a lender. Appointment of a receiver does not terminate the owner's debt or environmental obligations related to the property.

Under the act, "buildings" are structures and appurtenant land, including vacant lots on which a structure was demolished. Receivership petitions may include adjacent buildings if they share an owner and the properties are used for a single or interrelated purpose.

The act's provisions do not apply to (1) commercial or residential buildings, structures, or land owned by or held in trust for the U.S. government and regulated under the United States Housing Act of 1937 and related regulations and (2) property owned by a member of the U.S. Armed Forces or any of the reserve components who has vacated the building to (a) perform military service during a war or armed conflict or (b) assist relief efforts during a declared federal or state emergency.

EFFECTIVE DATE: January 1, 2020

PROCEDURE FOR RECEIVER'S APPOINTMENT

Petitioning Party

Under the act, any party in interest may file a petition to appoint a receiver with the Superior Court for the judicial district in which the subject building is located; such petitions constitute an "action in rem" (i.e., action to determine property rights). A "party in interest" is a person or entity with a direct and immediate interest in a building, including (1) the owner; (2) a lienholder or other secured creditor; (3) a local resident or business owner whose property is located within 1,000 feet of the building in the same municipality; (4) the municipality in which the building is located; or (5) a development organization located in the same municipality that has participated in a project in line with the organization's purpose within a five-mile radius of the building.

"Owners" are holders of legal title to, or of a legal or equitable interest in, a building. Owners include heirs, assignees, trustees, beneficiaries, or building lessees, if the interest is a matter of public record.

"Development organizations" are nonprofit corporations established in part to remediate blight, engage in community or economic development or historic preservation, or promote or enhance affordable housing opportunities.

Service of Petition

The act requires a true copy of the petition to be served, in the same manner that civil actions are served, on (1) the municipality (unless it is the petitioner), (2) each building owner, and (3) each lienholder of record (i.e., who has a valid, recorded interest in the property).

The petitioner must also file a notice with the municipal clerk that the property is subject to an ongoing legal proceeding (i.e., a "lis pendens").

Petition's Contents

The petition must include the petitioner's sworn statement that, to the best of his or her knowledge, the building meets the requirements for a receiver to be appointed as of the petition's filing date. It must also include, to the extent available following the petitioner's reasonable efforts to obtain them, the following:

1. a copy of any citation or order (a) charging the building owner with a municipal code violation or (b) determining the building is a public nuisance, blighted, or unfit for human occupancy or use;
2. a recommended receiver; and
3. a preliminary plan detailing (a) the initial estimated property rehabilitation costs to comply with any applicable municipal code or municipally adopted plan for the neighborhood where the property exists; (b) the anticipated funding sources; and (c) a schedule of mortgages, liens, and other encumbrances on the building.

Petition Hearing and Decision

The act requires the court to hold a hearing on the petition and then issue a decision. The court may only appoint a receiver for the building if it is deemed "abandoned property" (see "Conditions of Abandoned Properties" below). It may also opt to give the property owner time to remediate the conditions that make it an abandoned property.

If the court appoints a receiver, it may grant any other relief it deems just and appropriate.

Selecting a Receiver

If the court opts to appoint a receiver, it must first consider appointing the most senior nongovernmental lienholder of record. If such lienholder is not competent to serve as receiver or declines to do so, the court may appoint a willing (1) development organization or (2) other person or entity, including a governmental unit, with experience rehabilitating buildings and the ability to obtain or provide the necessary financing.

In selecting a receiver, the court must (1) consider the petitioner's recommendation and that of any petitioner in interest and (2) prioritize a development organization or governmental unit over an individual.

Petitioner's Costs

If the court finds (1) a building is "abandoned property" and opts to either appoint a receiver or give the owner time to remediate it, or (2) the owner is selling the building, the owner must reimburse the petitioner for costs incurred to

prepare and file the petition as determined by the court.

Certifying Encumbrances

If the court appoints a receiver, it must certify the schedule of each mortgage, lien, or other encumbrance, which is binding if the encumbrance arose or attached before the receivership petition was submitted.

CONDITIONS OF ABANDONED PROPERTIES

A building is “abandoned property,” and thus eligible to be overseen by a receiver, only if:

1. in the 12 months immediately preceding the petition’s filing, it has not been legally occupied;
2. the owner fails to present compelling evidence, as determined by the court, that he or she has either (a) “actively marketed” (see below) the building in the 60 days immediately preceding the petition filing and made a good faith effort to sell it at a price reflecting circumstances and market conditions or (b) recently acquired the property (i.e., within the 12 months immediately preceding the filing (see below)), but this provision does not apply when the building’s ownership is in dispute in another legal proceeding;
3. there is no pending foreclosure action by an individual or nongovernmental entity; and
4. the court finds that at least three problematic building conditions exist (see below).

Under the act, “actively marketed” means (1) a sign was placed on the property advertising its sale, containing accurate contact information for the owner, broker, or salesperson and (2) the owner has (a) hired a licensed broker or salesperson to list the property in the multiple listing service or otherwise marketed it; (b) placed advertisements, at least weekly, in print or electronic media; or (c) distributed printed advertisements.

The act excludes transfers between close parties as evidence the owner recently acquired the property, specifically, when the (1) prior owner is a parent, spouse, child, or sibling (“immediate family”), unless the change in ownership resulted from the prior owner’s death and (2) owner or prior owner is a business or other entity of which more than a 5% interest is held by a principal, or member of the principal’s immediate family, of such owner or prior owner.

Problematic Building Conditions

Under the act, before an abandoned building can be deemed such, the court must find that at least three of the following conditions exist:

1. the building is a public nuisance, blighted, or unfit for human occupation or use under an applicable municipal code;
2. it requires substantial rehabilitation (see below) and no effort to rehabilitate it has been made in the 12 months immediately preceding the petition filing;
3. its condition and vacant status materially increase the fire risk to it and adjacent property;
4. it is susceptible to unauthorized entry and resulting potential health and safety hazards, and (a) the owner has failed to take reasonable and necessary steps to secure it or (b) it has been secured by the municipality following an owner’s failure to do so;
5. it is an attractive nuisance to children due to abandoned wells, shafts, basements, excavations, and other unsafe structures;
6. it is an attractive nuisance for illicit purposes, such as prostitution, drug use, and vagrancy;
7. it creates potential health and safety hazards due to vermin, debris accumulation, uncut vegetation, or physical deterioration, and the owner has not taken reasonable and necessary steps to remove these hazards; or
8. its appearance or other condition negatively impacts the economic well-being of nearby residents or businesses, which may include decreasing property values or lost business, and the owner has not taken reasonable and necessary steps to remedy its appearance or condition.

Under the act, “substantial rehabilitation” means (1) repair, replacement, or improvement costs that exceed 15% of the building’s value after the work is completed or (2) replacing two or more of the following: roof structures, ceilings, wall or floor structures, foundations, plumbing systems, heating and air conditioning systems, or electrical systems.

OWNER’S ABILITY TO REMEDY THE PROPERTY

Even if a court determines that a building is “abandoned property,” it may issue an order giving the owner time to remedy the conditions, if the owner represents that the work will be completed in a reasonable amount of time. The court may issue an order stating that the receivership petition is granted if the owner fails to comply with court-set remediation

deadlines.

OWNER'S CONTINUING LIABILITY

Abandoned property owners retain liability for (1) environmental damage that existed before the receiver's appointment and (2) taxes; municipal liens or charges; mortgages; and private liens, fees, and charges incurred before and after the appointment. Under the act, liability does not transfer to the receiver.

RECEIVER'S POWERS AND DUTIES

Following appointment, a receiver must promptly take possession of the building. The act deems the receiver to have powers and authority equivalent to ownership and legal control of the property for purposes of (1) filing plans with public agencies and boards, (2) seeking or obtaining construction permits or other approvals, and (3) submitting financing or other assistance applications to public or private entities.

Generally, the receiver must (1) maintain, safeguard, and insure the property; (2) apply any revenue the property generates as required by the act; and (3) develop and implement a court-approved final plan.

Developing an Abatement or Alternative Plan

The receiver must develop a court-approved plan for abating the conditions that qualify the property as abandoned. If the receiver cannot feasibly develop this a plan, the receiver must develop a plan for alternatives, such as closing, sealing, or demolishing all or part of the property. If the property is in a historic district and must be demolished, the plan must provide a design plan for any replacement construction to comply with the law.

The receiver may present the plan for court approval at the time of appointment or on a subsequent date. In either case, a hearing on the plan must be set within 120 days after the receiver's appointment; the plan must be provided to the court and each party to the action at least 30 days before the hearing. During the hearing each party to the action may comment on the plan.

The court must issue a decision approving the plan or requiring it to be amended, in which case an additional hearing date must be set. When reviewing the plan's feasibility and proposed financing, the court must consider all comments provided at the hearing and the receiver's assessment of the scope and necessity of rehabilitation or demolition work.

When considering the property's sale or receiver's costs, the court must give reasonable regard to the receiver's assessment of the scope and necessity of rehabilitation or demolition work.

Plan's Contents. The plan must include the following:

1. a cost estimate and financing plan;
2. a description of the proposed rehabilitation or, if rehabilitation is not feasible, a proposal for closing, sealing, or demolishing the property; and
3. if it was previously designated a "historic property" (see below), provisions for rehabilitating architectural features that define its historic character.

Under the act, "historic properties" are those that are (1) listed on the National Register of Historic Places, (2) contributing properties in a National Register historic district, or (3) located in a local historic district.

Plans must conform to applicable municipal codes, municipally adopted plans for the neighborhood where the property exists, and historic preservation requirements. Under the act, "municipal codes" are any local ordinances about buildings, housing, blight, property maintenance, fire, health, or other public safety concerns.

Borrowing Power

The receiver may borrow funds to cover costs of rehabilitation or fulfil any of the receivership's duties. The court may approve financing to cover the costs of rehabilitation, including deferred repayment terms and use restrictions. The terms may remain with the rehabilitated property even after the receivership terminates and be assumed by (1) the property owner, if possession is regained, or (2) the rehabilitated property's purchaser.

Under the act, "costs of rehabilitation" are building construction, stabilization, restoration, maintenance, operation, or demolition expenses. Such costs also include any action reasonably associated with rehabilitation, including environmental remediation and architectural, engineering, legal, financing, permit, and receiver's and developer's fees.

To make borrowing money to cover rehabilitation costs easier, the court may grant priority status to a lien securing such debt, if (1) the receiver sought financing from the most senior, nongovernmental lienholder, and the lienholder opted

not to provide the financing on reasonable terms, and (2) granting the lien priority is necessary to induce another lender to provide financing on reasonable terms.

If the receiver obtains a loan from the most senior, nongovernmental lienholder, the amount of such loan is added to the lienholder's preexisting priority lien.

Other Powers and Duties

Under the act, the receiver has all powers necessary and appropriate as approved by the court for the efficient operation, management, and improvement of the abandoned property in order to bring it into compliance with municipal codes and fulfill the receiver's duties, which, subject to the court's approval, include:

1. taking possession and control of the abandoned property and any personal property the owner used with respect to it, as well as pursuing claims and causes of action against the owner related to such property;
2. collecting outstanding accounts receivable;
3. contracting for the abandoned property to be repaired and maintained (if a contract is valued at more than \$25,000 an attempt to get three bids generally must be made);
4. borrowing money and incurring credit in accordance with the act;
5. contracting and paying for maintaining and restoring utilities;
6. purchasing materials, goods, and supplies to repair and operate the property;
7. entering into a rental contract or lease for up to 12 months, if the court approves;
8. affirming, renewing, or entering into insurance contracts;
9. hiring and paying legal, accounting, appraisal, or other professionals as necessary;
10. if deemed a historic property prior to the receiver's appointment, consulting the local historical and historic properties entities for recommendations on preserving the property's historic character;
11. applying for and receiving public grants and loans;
12. selling the building in accordance with the act's provisions; and
13. exercising any right a property owner would have to improve, maintain, or otherwise manage the property to the extent necessary to carry out the receivership's powers and duties.

The receiver may file a lien on the abandoned property for costs incurred during the receivership, including rehabilitation costs, attorney's fees, and court costs.

Status Reporting

The act requires receivers, annually or more frequently if the court requires it, to submit a status report to the court and each party to the action. The report must include:

1. a copy of any contract the receiver enters into regarding the property's rehabilitation;
2. an account of the disposition of any property-generated revenue;
3. an account of expenses, repairs, and improvements;
4. the plan's status (i.e., its development and implementation); and
5. a description of any proposed rehabilitation actions to be taken within the next six months.

Accounting

When the plan is implemented, the receiver must file with the court a full accounting of income and expenditures during the period from the plan's approval to complete implementation. The receiver must include information on each repair or rehabilitation contract.

TERMINATION OF RECEIVERSHIP OR REMOVAL OF RECEIVER

Unless the court approves the receivership's termination, a property remains subject to the receiver's control even if (1) the property owner sells the property, (2) a lienholder forecloses the property, or (3) an interest in the property is transferred.

Upon the request of a receiver or a party in interest, the court may terminate the receivership if it finds any of the following:

1. the receivership's purposes were fulfilled;
2. the owner, a mortgagee, or lienholder has requested its termination and provides adequate assurance that the receivership's purposes will be fulfilled;

3. the receiver sold the property and distributed the proceeds as required by the act; or
4. even after a diligent effort, the receiver was unable to (a) develop a court-approved final plan, (b) implement such plan, or (c) fulfill the receivership's purposes.

The court may also remove a receiver at any time upon the receiver's, petitioner's, or party in action's request and upon a showing that the receiver's duties are not being carried out.

RECEIVER-INITIATED PROPERTY SALE

Upon the receiver's application, the court may authorize the receiver to sell the property free and clear of any lien, claim, or encumbrance if:

1. proceeds of the sale are distributed as required under the act and the court approves of such distribution;
2. each record owner and lienholder of record has been given notice and an opportunity to provide comment to the court;
3. the receiver has controlled the property for at least three months, and the owner has not successfully petitioned to terminate the receivership;
4. the purchaser is reasonably likely to maintain the property; and
5. the court accepts the sale's terms and conditions.

The act specifies how the proceeds must be distributed. If the proceeds are insufficient to pay each lien, claim, and encumbrance, they are extinguished unless the original owner or purchaser assumed them.

Distribution of Proceeds

Sale proceeds must be distributed in the following order:

1. court costs;
2. unless they were sold or transferred, state liens, unpaid property tax liens, and properly recorded municipal liens;
3. sale costs and expenses;
4. principal and interest on debt that a court granted priority over existing liens and security interests;
5. petitioner's costs related to preparing and filing the receivership petition;
6. costs of rehabilitation and fees and expenses the receiver incurred to sell or safeguard the property as reflected in the lien the receiver placed on the property (see above);
7. sold or transferred state liens, unpaid property tax liens, and properly recorded municipal liens;
8. other valid liens and security interests, in their priority order;
9. the receiver's unpaid obligations; and
10. the owner of the abandoned property.

If the owner cannot be located at the time of distribution of sale proceeds, the owner's portion of the proceeds are presumed unclaimed and forfeited to the municipality in which the sold property is located. The municipality must use the funds to recoup costs for securing and remediating blight and enforcing blight ordinances.

Completion of Transfer

After the sale concludes and proceeds are distributed, the act requires the receiver to draft a deed stating that recognizable and marketable title to the property is vested in the property's purchaser and that any prior ownership interest in the abandoned property is extinguished. Under the act, once the court approves of the deed and the deed is filed in the municipal land records, the property's transfer and ownership is deemed fully effectuated.

BACKGROUND

Under existing law, municipalities have authority to address housing, commercial, and industrial blight. They can, among other things, (1) enact regulations to fine blight offenders, (2) adopt special assessments on blighted housing, and (3) establish an urban homesteading agency to condemn abandoned and blighted properties and transfer them to qualified homesteaders (CGS §§ 7-148(c)(7)(H)(xv), 7-148ff, and 8-169(o)).

PA 19-104—HB 6122*Planning and Development Committee***AN ACT CONCERNING BOARDS OF POLICE COMMISSIONERS ESTABLISHED BY SPECIAL ACT**

SUMMARY: This act authorizes a town in which a board of police commissioners was established by a special act of the General Assembly to adopt by ordinance the provisions of the special act and any amendments to it.

EFFECTIVE DATE: October 1, 2019

PA 19-111—SB 556*Planning and Development Committee***AN ACT CONCERNING ADDITIONAL COMPENSATION FOR CERTAIN RETIRED PUBLIC SAFETY EMPLOYEES**

SUMMARY: This act authorizes municipalities to, by a two-thirds vote of their legislative bodies (or board of selectmen if the legislative body is a town meeting), compensate certain public safety employees who were severely injured in the line of duty and retired from service due to their injuries.

Under the act, a municipality may provide compensation to a retired uniformed member of its paid fire department or retired regular member of its paid police department, if he or she:

1. has a permanent and severe disability caused by a serious bodily injury that (a) arose out of, and in the course of, his or her job and (b) was suffered in the line of duty and within the scope of his or her job;
2. retired from service as a result of such disability; and
3. is under the age of 65.

The compensation must equal the difference between (1) the amount the retired employee receives in workers' compensation and other benefits and (2) his or her regular pay at the time of retirement. Once the legislative body or board of selectmen approves the compensation, the municipality must pay it annually until the employee reaches age 65. Participating municipalities must establish procedures for evaluating and determining a retired employee's compensation eligibility.

The act's provisions apply regardless of any conflicting statute, charter, or special act.

EFFECTIVE DATE: October 1, 2019

PA 19-124—sSB 882*Planning and Development Committee***AN ACT CONCERNING THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM AND AUTHORIZING BONDING FOR THE CITY OF BRIDGEPORT'S PENSION PLAN A FUND**

SUMMARY: This act increases the required employee contribution rate for Connecticut Municipal Employee Retirement System (CMERS) participants by 3 percentage points over six years (0.5% a year from FY 20 to FY 25). (CMERS is a statewide pension system administered by the State Retirement Commission that municipalities can opt into by agreeing to meet certain financial requirements.)

Contributions for employees with salaries subject to the Social Security tax will incrementally increase from their prior rate of 2.25% of pay to 5.25% over this period. Contributions for employees with salaries not subject to the Social Security tax will similarly increase from their prior rate of 5% to 8%. (Not all government employees are subject to the Social Security tax; it often depends upon whether the employees or their union, for those who are unionized, chose to join Social Security in the 1950s and 1960s.)

The act also authorizes Bridgeport to issue up to \$125 million in pension deficit funding bonds, plus the issuance costs, to help fund the city's Pension Plan A Fund (for public safety employees).

EFFECTIVE DATE: Upon passage for the pension deficit bonds and July 1, 2019 for the employee retirement contribution increase.

RETIREMENT CONTRIBUTION INCREASES

The act increases CMERS employee contributions over six fiscal years, as shown in the table below.

CMERS Contribution Increases Under the Act

	<i>Prior law</i>	7/1/19 - 6/30/20	7/1/20 - 6/30/21	7/1/21- 6/30/22	7/1/22- 6/30/23	7/1/23- 6/30/24	7/1/24- 6/30/25 and subsequent years
Pay Subject to Social Security Tax	2.25%	2.75%	3.25%	3.75%	4.25%	4.75%	5.25%
Pay Not Subject to Social Security Tax	5%	5.5%	6%	6.5%	7%	7.5%	8%

After FY 25, the increased contribution rates remain fixed for future years.

As under prior law, the act requires municipalities to deduct the contributions and forward them to the retirement commission at least monthly to be credited to the pension fund.

Effects on Participants

The effect of the act’s changes on a CMERS participant depends on whether the participant pays Social Security tax, and if so, how much of his or her salary is subject to the tax (see BACKGROUND).

For participants not covered by Social Security (and whose salaries are not subject to Social Security tax), the act gradually increases contributions from their prior 5% of pay to 8% in FY 25. For participants covered by Social Security, but earning less than Social Security’s taxable income limit (currently \$132,900), contributions gradually increase from their prior 2.25% of pay to 5.25% in FY 25. Participants with salaries exceeding the Social Security limit must split their salary between the two contribution rates; one for the portion of their salary subject to Social Security tax, which the act increases from 2.25% to 5.25%, and a second for the portion of their salary above the limit, which the act increases from 5% to 8%.

BRIDGEPORT PENSION BONDS

The act authorizes Bridgeport to issue up to \$125 million in pension deficit funding bonds, plus the issuance costs, to help fund its Pension Plan A Fund. The bonds must mature within 25 years of their issuance date. The act’s authorization applies regardless of Bridgeport’s charter, ordinances, or any state law.

The act exempts Bridgeport from the statutory requirement that a municipality issuing pension deficit bonds must make its first installment payment within 18 months of the bonds’ issuance, provided it is due no later than the fiscal year following the bond issuance. Instead, the act requires the first principal payment to be made no later than 10 years after issuance.

The act also exempts the bond issuance from certain statutory requirements concerning the (1) first maturity and amount of any principal or principal and interest installment and (2) last installment payment due no more than 30 years after issuance.

Under the act, Bridgeport must meet the remaining statutory requirements for municipal bond issuances and pension deficit funding bonds. These requirements include submitting to the Office of Policy and Management secretary (1) an actuarial valuation and analysis of the pension fund, (2) documentation that the municipality has adopted an ordinance or a resolution requiring the municipality to appropriate the funds necessary to meet the actuarially required annual contribution, and (3) any other documentation the secretary or state treasurer deem necessary to carry out the pension deficit bond law.

The law also requires other annual appropriations, notifications, and related steps until the bonds are paid off.

BACKGROUND

Social Security

Social Security, which provides old-age, survivors, and disability insurance programs, limits the amount of earnings subject to taxation for a given year. This limit is revised each year depending upon changes in the national average wage index. For 2019, the limit is \$132,900.

Social Security requires employers and employees to each contribute an amount equal to 6.2% of an employee's pay, up to the limit on the earnings subject to taxation.

PA 19-143—HB 6939

Planning and Development Committee

AN ACT CONCERNING THE ESTABLISHMENT OF MUNICIPAL CULTURAL DISTRICTS

SUMMARY: The act allows municipalities, by vote of their legislative bodies, to establish one or more cultural districts to promote the public's educational, cultural, economic, and general welfare by (1) marketing arts and culture attractions, (2) encouraging artists and artistic and cultural enterprises, and (3) promoting tourism. Municipalities' legislative bodies may appropriate funds to carry out the act's purposes.

Cultural districts must comply with standards and criteria established by the Department of Economic and Community Development (DECD). They cannot extend beyond the boundaries of the establishing municipality.

Each municipality establishing a cultural district must also establish a cultural district commission. The municipal legislative body, in consultation with the DECD commissioner, determines the commission's membership, including the number of members, their terms, and the process for making appointments and filling vacancies.

The act requires each municipality's legislative body to authorize these commissions to exercise any power and perform any duty necessary or desirable to carry out the act's purposes, including:

1. consulting and collaborating with the DECD commissioner and regional service organizations for assistance with marketing, advocacy, and other efforts and
2. applying for, soliciting, or accepting any grant, contribution, gift, bequest, devise, or other donation.

Under the act, "municipality" means a town, city, borough, consolidated town and city, or consolidated town and borough. "Regional service organizations" are organizations that DECD designates as regional providers of arts and cultural leadership to support the state and municipal economies.

EFFECTIVE DATE: October 1, 2019

PA 19-175—sHB 7277

Planning and Development Committee

AN ACT CONCERNING THE CREATION OF LAND BANK AUTHORITIES

SUMMARY: This act establishes a framework for municipalities, either on their own or jointly with other municipalities, to create nonprofit land bank authorities ("authorities") to acquire, maintain, and dispose of real property, except for brownfields (i.e., abandoned or underused sites where actual or potential pollution prevents redevelopment, reuse, or expansion). It requires each authority to be governed by a board of directors and gives the board broad powers to carry out the authority's purposes, including the power to enter into contracts and borrow money. It also gives authorities specific powers to acquire and dispose of property.

The act exempts from state and local taxes (1) any real property and interest in real property ("real property") that an authority holds and (2) the income the authority derives from it. For property conveyed by an authority, the act requires municipalities to remit to the authority 50% of the taxes they collect on the property in the following five years. It also allows authorities to issue revenue bonds backed by the revenue from their assets (i.e., property sales).

Lastly, the act establishes a process through which a land bank authority's board of directors may dissolve the authority and specifies how it must distribute its assets if it dissolves.

EFFECTIVE DATE: Upon passage

ESTABLISHING A LAND BANK AUTHORITY

The act authorizes a municipality's legislative body to establish by ordinance a land bank authority (i.e., a charitable nonstock corporation) to acquire, maintain, and dispose of real, non-brownfield property within the municipality. Two or more municipalities may establish a shared land bank authority by passing concurrent ordinances to enter into an intergovernmental cooperation agreement to do so. Under the act, "municipalities" include towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs.

The establishing ordinance or concurrent ordinances must name the land bank authority and establish parameters for its board of directors. Specifically, the ordinances must provide for the (1) number of board members (five, seven, nine, or 11), their manner of appointment, qualifications, and term lengths and (2) board's initial members, which may include elected officials and municipal employees.

BOARD OF DIRECTORS

Members, Officers, and Bylaws

Under the act, the board must annually (1) select from among its members a chairperson, vice-chairperson, treasurer, and any other necessary officers and (2) adopt bylaws, which must, among other things, establish attendance and meeting participation provisions. The bylaws may authorize a majority of the board's total membership to vote to remove members for failing to comply with the bylaws. Once so removed, members may only be reappointed if the board votes unanimously in favor of it. Any such vacancy is effective at the start of the month following the vote and must be filled according to the authority's establishing ordinance.

Members serve without compensation but may be reimbursed for expenses incurred while performing their duties. They are not personally liable for the authority's bonds or other obligations, nor are they subject to creditors' rights, which apply only against the land bank.

Meetings and Voting

The board must schedule and hold regular meetings and may hold special meetings on the call of the chairperson or a petition signed by a majority of the members. The board must keep and record minutes for each meeting.

A majority of members constitutes a quorum, and a majority of those present at any meeting with a quorum can act, except as described below. Members may not vote by proxy and may request a roll call vote on any action.

Under the act, a majority of all members is required to:

1. adopt bylaws;
2. hire or fire employees and contractors, unless the board delegated that authority to an officer;
3. incur debt;
4. adopt or amend the authority's annual budget; and
5. sell, lease, encumber, or alienate any real or personal property valued at more than \$50,000.

In addition, the act requires a two-thirds majority of the total membership to adopt a resolution to dissolve the land bank (see "Dissolving a Land Bank" below).

Conflicts of Interest

The act prohibits board members and authority staff from having any interest in (1) real property the authority holds or acquires or (2) contracts or proposed contracts for services or materials the authority provides or uses. The board may adopt bylaws to address actual and potential conflicts of interest and ethical guidelines for board members and staff.

GENERAL POWERS

The act gives the boards broad contractual, financial, and development powers, excluding the power to take property by eminent domain. Under the act, a board may:

1. adopt, amend, and repeal its bylaws;
2. sue and be sued in its own name and plead and be pleaded in any civil action, including in any action to clear title to property;
3. adopt and alter a seal;
4. borrow money from private lenders, municipalities, the state, or the federal government to fund its operations;

5. issue negotiable revenue bonds and notes;
6. secure the payment of some or all of the authority's debts or losses by procuring insurance or state or federal guarantees and paying the necessary premiums;
7. enter into contracts or other instruments necessary, incidental, or convenient for carrying out the authority's purposes;
8. invest the authority's funds in securities, properties, or other financial instruments that it deems proper, and use any depository for the funds;
9. design, develop, construct, demolish, reconstruct, rehabilitate, renovate, and otherwise improve real property or any right in it;
10. set, charge, and collect rents, fees, or charges for using the authority's real property or any services the authority provides;
11. grant or acquire licenses, easements, leases, or options for the authority's real property; and
12. collaborate with public and private entities and other municipalities to own, manage, develop, and dispose of real property.

Staff

The act also authorizes the board to (1) hire an executive director, legal counsel, and other staff it deems qualified and (2) contract with one or more municipalities or a municipal department or agency to staff the authority. The board may organize and reorganize the authority's executive, administrative, clerical, and other responsibilities. It may also specify the duties, powers, and compensation of its employees, agents, and consultants.

PROPERTY ACQUISITION AND DISPOSITION POWERS

Acquiring, Holding, and Maintaining Property

The act allows an authority, as permitted by its board of directors, to acquire real, non-brownfield property located in the municipality or municipalities that established the land bank. The authority may purchase property or receive it as a gift, inheritance, transfer, exchange, foreclosure, or through other means. It must hold property it acquires in its own name and make an inventory of the property it holds available for public inspection.

The authority must maintain any property it acquires in accordance with the laws of the municipality or municipalities where the property is located. Although it may only hold property located in the municipality or municipalities that established it, the authority may enter into an intergovernmental cooperation agreement with any municipality to maintain property located there.

Disposing of Property

An authority may convey any real property it holds through a conveyance, exchange, sale, transfer, lease, grant, release, demise, mortgage, or pledge of the property as collateral. Its board of directors may delegate to its staff the power to contract with a legal entity to do so.

Under the act, the authority's ordinance (or concurrent ordinances) may (1) establish an order of priorities for using real property that it conveys and (2) set different requirements for the board's approval of property dispositions in certain locations or by certain means.

The authority's board must establish in its bylaws the terms and conditions for any consideration received in exchange for property conveyances, provided the consideration's form is in the authority's best interest.

FUNDING SOURCES

The act allows an authority to receive funding from the following sources:

1. grants and loans from municipal, state, federal, public, and private sources;
2. payments for services rendered, rent, insurance proceeds, investment income, and any other assets or activities; and
3. consideration for personal or real property it conveyed.

LOCAL TAXES ON LAND BANK PROPERTIES

Under the act, for any interest in real property an authority conveys, the municipality in which the property is located must annually remit to the authority 50% of the taxes it collects on such interest for five years. This requirement applies beginning on October 1 immediately following the property's conveyance.

BONDING AUTHORITY

The act allows an authority, by a resolution of its board of directors, to issue limited obligation bonds (i.e., revenue bonds) to carry out its purposes. The board's resolution must establish (1) the bonds' form and denomination, (2) the manner of the bonds' sale and delivery, (3) the bonds' interest rate and maturity date, (4) the execution of such bonds by one or more board members, and (5) the board's option to redeem (if any) and the manner of doing so. The board must publish the resolution in a newspaper having general circulation in the municipality or municipalities that established the authority, as applicable.

The authority must pay the bonds' principal, interest, and issuance costs from the revenue it derives from (1) the disposition of its assets or (2) any refunding bonds issued. The bonds may be secured by a mortgage on the authority's property or a pledge of its revenue, including state or federal grants or contributions. The act provides that the authority bonds are negotiable instruments under state law and law merchant (i.e., commercial law).

The bonds are not a debt of the state or municipality and must contain a statement to that effect; similarly, any refunding bonds are not a debt or pledge of the municipality's credit and must contain a statement to that effect. But the act authorizes a municipality that establishes an authority to guarantee, insure, or otherwise take on the authority's debt (primarily or secondarily) unless prohibited by another statutory provision.

Existing law exempts from state income tax the federally taxable interest on Connecticut state and local bonds or obligations (CGS § 12-701(a)(20)).

DISSOLVING A LAND BANK

To dissolve a land bank under the act, its board must adopt a resolution to do so. At least 60 days before considering such a resolution, the board must:

1. publish notice of its intent to dissolve in a newspaper of general circulation in the municipality or municipalities that established the authority,
2. provide written notice to the municipality or municipalities, and
3. send notice by certified mail to the trustees of any outstanding bonds.

Two-thirds of the board's full membership must approve the resolution, which takes effect 60 days after its approval. Once dissolved, the authority's assets, including real and personal property, transfer to the municipality or municipalities that established it.

If two or more municipalities established the authority and one municipality withdraws, the authority is not dissolved unless (1) the concurrent ordinances that established the authority require it or (2) no remaining municipality wishes to continue the authority.

PA 19-185—sHB 7361

Planning and Development Committee

AN ACT CONCERNING THE ADOPTION OF MASTER PLANS BY TAX INCREMENT DISTRICTS

SUMMARY: This act makes several changes to the process municipalities must follow to establish a tax increment financing (TIF) district. (TIF is a development strategy whereby anticipated property tax revenue resulting from a major project is allocated to the project's costs.)

For municipalities with planning commissions, prior law required the municipality, at least 90 days before adopting the TIF master plan (see BACKGROUND), to transmit the plan to its planning commission for an advisory opinion on the master plan's consistency with the local plan of conservation and development (POCD). The act (1) allows the master plan to be submitted at any time, by eliminating the requirement that it be submitted to the commission at least 90 days before its adoption, and (2) requires the master plan to be submitted to the combined planning and zoning commission, if the municipality has one, for a determination of its compliance with the POCD.

The act also eliminates the requirement that municipal legislative bodies adopt a TIF master plan at the same time they vote to establish the district. Instead, under the act, the legislative body may adopt the master plan (1) after receiving a written advisory opinion on the plan's compliance with the POCD or (2) 90 days after requesting such advisory opinion, whichever is earlier. By law, unchanged by the act, a TIF district is only effective when the legislative body both approves the district and adopts a district master plan.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

TIF District Master Plans

The “district master plan” is a statement of means and objectives relating to a district designed to:

1. provide new employment opportunities,
2. retain existing employment,
3. provide housing opportunities,
4. improve or broaden the tax base, or
5. construct or improve physical facilities and structures (CGS § 7-339cc).

The district master plan must include, among other things, (1) a legal description of the district's boundaries; (2) the (a) industrial, commercial, residential, mixed-use, or retail improvements and (b) downtown or transit-oriented development anticipated to be financed in whole or part; and (3) a financial plan identifying project costs and revenue sources (CGS § 7-339ff).

PA 19-193—sHB 7192

Planning and Development Committee

Public Safety and Security Committee

AN ACT CONCERNING MUNICIPAL AND REGIONAL OPPORTUNITIES AND EFFICIENCIES

SUMMARY: This act makes several unrelated changes in laws concerning the Municipal Finance Advisory Commission (MFAC), the Advisory Commission on Intergovernmental Relations (ACIR), the Municipal Accountability Review Board (MARB), and regional councils of governments (COG). The act expands the circumstances under which the Office of Policy and Management (OPM) must refer municipalities and other entities to MFAC. It also gives the OPM secretary, following an audit review, broad authority to refer a municipality to MFAC.

For certain municipalities referred to MARB on or after January 1, 2018, the act expands MARB's authority by authorizing it to approve or reject board of education collective bargaining agreements that require federal approval and are not subject to the municipal legislative body's approval.

The act also (1) broadens municipal authority to enter into interlocal agreements to perform functions jointly by allowing them to do so regardless of other conflicting laws or provisions, (2) increases ACIR's membership and changes its reporting requirements, and (3) expands the purposes for which COGs can purchase property and allows them to borrow funds to do so.

EFFECTIVE DATE: July 1, 2019

§ 1 — MFAC REFERRALS

By law, municipalities and certain other entities must annually submit to OPM an audit that complies with the Municipal Auditing Act. This requirement applies to (1) regional school districts, (2) municipalities, and (3) other related entities with annual receipts exceeding \$1 million (e.g., municipal utilities, special taxing districts, and COGs). If, upon reviewing these audits, the OPM secretary finds that they are incorrectly prepared or there is evidence of unsound or irregular financial practices, the secretary must refer such problems to MFAC. Generally, MFAC is responsible for helping to improve the fiscal condition of any audited entity the secretary refers to it.

Required Referrals of Audited Entities

The act additionally requires such a referral if the OPM secretary finds (1) the audit was incorrectly prepared and the audited entity did not ask OPM for a waiver from the Municipal Auditing Act's provisions or (2) management letter comments or a lack of internal controls relating to commonly accepted municipal finance standards.

As is the case with referrals under existing law, OPM must send a copy of the referral report to the state auditors and the chief executive officer (CEO) of the audited entity (the superintendent in the case of school districts). If the audited entity is a municipality, OPM must also send the town clerk a copy of the referral report. Under the act, upon receipt of the report, the CEO or superintendent must submit to the secretary a written explanation and attestation of the secretary's findings and a corrective action plan.

Required Referrals of Municipalities

The act also requires the secretary to refer a previously un-referred municipality to MFAC if an audit review shows that the municipality has:

1. a negative fund balance percentage (i.e., the ratio of a municipality's year-end general fund balance to the total of general fund revenues and operating transfers to the fund for that fiscal year is negative);
2. in the three preceding fiscal years, (a) reported a fund balance percentage of less than 5% or (b) issued tax or bond anticipation notes to meet cash liquidity;
3. in the two preceding fiscal years, (a) reported a declining fund balance trend or (b) a general fund annual operating budget deficit of 2% or more of its average general fund revenues;
4. in the preceding fiscal year, a general fund annual operating budget deficit of 1.5% or more of its average general fund revenues; or
5. received a bond rating below A from a bond rating agency.

Optional Referrals

The act gives the OPM secretary, following an audit review, broad authority to refer a municipality to MFAC if the municipality has not already been referred to it.

§§ 2 & 3 — ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (ACIR)

Membership and Terms

By law, ACIR studies the relationship between state and local governments and recommends solutions to issues it identifies. Starting July 1, 2019, the act increases the commission's membership from 24 to 25 by adding one organized labor representative, appointed by the governor, from a list of nominees submitted to him by the Connecticut AFL-CIO. Prior law required the commission to include two municipal officials from towns with populations under 20,000. Under the act, one of these officials must be from a town with a population under 10,000. By law, members appointed as legislators or agency heads serve for the duration of their terms in office and other members serve a two-year term. Under the act, the other members may serve until a successor is appointed and has qualified.

Reports on State Mandates

By law, ACIR must submit to the General Assembly (1) a quadrennial report that lists all existing state mandates (i.e., legislative or executive actions that require a local government to spend additional local revenue to effectuate them) and (2) a supplement to the quadrennial report for each intervening year.

The act additionally requires ACIR to describe the mandates' potential impacts on municipalities in its quadrennial report. It eliminates the requirement that the report include a history of the mandates and costs municipalities incurred to implement them. Under the act, the next quadrennial report is due by the second Wednesday following the start of the regular 2020 session (i.e., February 19, 2020) and every four years thereafter. The act also makes the supplement to the report due annually on January 15.

By law, ACIR also must annually compile a list of state mandates enacted during the preceding session and share it with various state officials. The act (1) eliminates the requirement that the legislative leaders send the list to the OPM secretary and (2) requires ACIR, instead of OPM, to submit the list to each municipal chief elected officer.

Under the act, the deadline for submitting any list due on or after July 1, 2019, is (1) 90 days after the adjournment of

regular or special session or (2) November 15 after a regular session adjourns, whichever is later.

§ 4 — INTERLOCAL AGREEMENTS

Existing law authorizes municipalities and associated bodies (e.g., special taxing districts and municipal districts) to enter into interlocal agreements to perform jointly any function that any statute, special act, charter, or home rule ordinance allows them to perform individually. The act allows municipalities and associated bodies to enter such agreements regardless of conflicting statutory, special act, charter, home rule ordinance, or local law provisions.

§ 5 — MARB'S REVIEW OF BOARD OF EDUCATION COLLECTIVE BARGAINING AGREEMENTS

Under existing law, MARB has authority to approve or reject any Tier III municipality's municipal or board of education collective bargaining agreements or amendments. OPM designates Tier III municipalities as such based on either the municipality's bonding capacity or a request from the municipality (CGS § 7-576c(a)). MARB has the same authority to act on these agreements and amendments as the municipality's legislative body, but it cannot exercise that authority more than twice for a particular agreement or amendment.

For Tier III municipalities referred to MARB on or after January 1, 2018, the act also authorizes MARB to act on board of education collective bargaining agreements that require federal approval but that the municipal legislative body does not have authority to approve or reject.

The act also requires (1) boards of education in Tier III municipalities to submit any collective bargaining agreement or amendment to MARB within 14 days of reaching it and (2) MARB to approve or reject it within 30 days after submission.

§ 6 — COG FUNDING

The act (1) expands the purposes for which COGs can purchase property to include program functions, in addition to provision of administrative office space, and (2) allows COGs to borrow funds to purchase such property.

PA 19-199—HB 7363

Planning and Development Committee

AN ACT PROHIBITING CERTAIN RECOUPMENT PROVISIONS IN PHARMACY SERVICES CONTRACTS AND CONCERNING A PREVAILING RATE OF WAGES EXEMPTION

SUMMARY: Beginning January 1, 2020, this act prohibits a contract between a health carrier or pharmacy benefits manager (PBM) and a pharmacy or pharmacist from allowing the health carrier or PBM to recoup, directly or indirectly, any portion of a claim it paid to the pharmacy or pharmacist. The act excludes payments (1) made due to a pharmacy audit or (2) required by another applicable law.

Also, from July 1, 2019, to January 1, 2020, it exempts from prevailing wage requirements public works projects that are (1) for a New Haven County municipality that has a population of at least 12,000 but not more than 13,000, as determined by the most recent Department of Public Health estimate and (2) funded in whole or in part by a private bequest of more than \$9 million but less than \$22 million.

The state's prevailing wage law otherwise requires contractors and subcontractors on covered public works projects to pay their construction workers wages and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town (i.e., the "prevailing wage").

EFFECTIVE DATE: October 1, 2019, for the PBM and health carrier contracts provision and July 1, 2019, for the prevailing wage exemption.

PA 19-13—sHB 7200

Public Health Committee

Finance, Revenue and Bonding Committee

AN ACT PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS TO PERSONS UNDER AGE TWENTY-ONE

SUMMARY: This act raises, from 18 to 21, the legal age to purchase cigarettes, other tobacco products, and e-cigarettes (i.e., electronic nicotine delivery systems and vapor products). It makes corresponding changes in the laws regarding the sale, giving, and delivery of such products to individuals under the legal age (e.g., updating the age on the required sign that cigarette dealers and distributors must display at the point of sale).

Additionally, the act:

1. requires dealers who sell e-cigarettes and ship them directly to consumers (e.g., through online sales) to (a) obtain the signature of a person aged 21 or older at the shipping address prior to delivery and (b) require the signer to show proof of age (§ 19);
2. increases, from \$50 to \$200, the annual license fee for cigarette dealers (§§ 3 & 5);
3. increases, from \$400 to \$800, the annual registration fee for e-cigarette dealers and retains the \$400 fee for dealers with multiple registrations (§ 9);
4. reduces, from \$400 to \$200, the annual registration fee for e-cigarette manufacturers who hold multiple registrations (§ 10);
5. generally increases certain penalties for cigarette, tobacco product, and e-cigarette sales and purchases involving individuals under the legal age (§§ 7, 12 & 14-16);
6. requires the Department of Mental Health and Addiction Services (DMHAS) commissioner to conduct unannounced compliance checks on e-cigarette dealers and refer non-compliant dealers to the Department of Revenue Services (DRS) commissioner who may impose civil penalties (§ 12);
7. allows e-cigarette dealers to give promotional samples in connection with promoting or advertising a product in a similar manner as existing law allows for cigarettes and tobacco products (§§ 8 & 13);
8. bans smoking and e-cigarettes on the grounds of child care centers and schools (§§ 17 & 18); and
9. makes other changes affecting the sale of these products.

Additionally, the act excludes from the definition of “vapor product,” biological products that are authorized for sale by the federal Food and Drug Administration and used to prevent, treat, or cure diseases or injuries. It also makes minor changes to other related definitions.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019

§§ 3 & 5 — CIGARETTE DEALER LICENSE FEE

The act increases, from \$50 to \$200, the annual license fee for cigarette dealers. It also increases, from \$5 to \$50, the penalty for each day a cigarette dealer or distributor operates without a license.

§§ 4 & 7 — VENDING MACHINE SALES

Existing law allows the DRS commissioner, after a hearing, to impose penalties on owners of establishments with cigarette vending machines and restricted cigarette vending machines (see BACKGROUND) for sales to individuals under the legal age as follows:

1. for a 1st violation, if the owner fails to successfully complete an online tobacco education program, \$500 and
2. for a 2nd violation, \$750.

The act increases the penalty for a third violation from \$750 to \$1,000. It continues to allow the commissioner to impose fines for 2nd and 3rd violations that occur within 24 months after the first violation.

Existing law, unchanged by the act, requires an establishment owner who commits a third violation to immediately remove the vending machine from the establishment and prohibits any vending machine at the establishment for one year after such removal.

By law, the DRS commissioner may also assess the following civil penalties against a person, dealer, or distributor who violates the vending machine laws: (1) \$250 for a first violation and (2) \$500 for a second or third violation within 18 months. After the third violation, the vending machine must be immediately removed from the area, facility, or business where it is placed and such machines are prohibited from the location for one year after the removal.

§§ 7, 14 & 16 — PENALTIES FOR PURCHASES

Under prior law, a person under the legal age who (1) bought cigarettes, other tobacco products, or e-cigarettes; (2) misrepresented his or her age to do so; or (3) possessed one in public, faced a fine of up to \$50 for a first offense and between \$50 and \$100 for each subsequent offense. The act eliminates the fine for possessing these products in public. By law, violators may pay the above listed fines by mail, without making a court appearance (CGS § 51-164n).

Additionally, the act eliminates the DRS commissioner's authority to, after a hearing, also impose civil penalties on individuals under the legal age who purchase cigarettes or other tobacco products.

§§ 7, 12 & 14-16 — PENALTIES FOR SALES

Maximum Fines

The act increases the maximum fines that may be imposed on someone who sells, gives, or delivers cigarettes, other tobacco products, or e-cigarettes to someone under the legal age as follows:

1. for a first offense, from \$200 to \$300;
2. for a second offense, from \$350 to \$750; and
3. for each subsequent offense, from \$500 to \$1,000.

As under prior law, the fines for second and subsequent offenses apply to those that occur within 24 months after the first offense.

Under existing law and the act, these penalties do not apply if the person under the legal age is delivering or accepting delivery of the product (1) in his or her capacity as an employee or (2) as part of a scientific study for medical research that meets specified criteria.

DCP and DRS Penalties

Existing law allows the DRS commissioner, after a hearing, to impose civil penalties on cigarette dealers, distributors, or their employees for sales to individuals under the legal age. The act increases the penalties on dealers or distributors for 3rd or 4th violations. It also allows the DRS commissioner, after a hearing, to impose civil penalties on e-cigarette dealers or their employees for sales to individuals under the legal age in generally the same manner as both existing law and the act allow him to do for cigarette dealers, distributors, or their employees.

The table below compares the penalties under prior law with those under the act. As under prior law, the penalties do not apply if the person under the legal age is delivering or accepting delivery of the product in his or her capacity as an employee.

Penalties for Sales to Individuals Under the Legal Age

	<i>Prior Law</i>	<i>Under the Act</i>
	<i>Penalties on Cigarette Dealers and Distributors</i>	
1st violation	\$300, if they fail to complete an online tobacco prevention education program within 30 days	\$300, if they fail to complete an online tobacco prevention education program within 30 days
2nd violation	\$750	\$750
3rd violation	\$750, plus 30-day license or certificate suspension	\$1,000, plus 30-day license suspension
4th violation	N/A	\$1,000, plus license revocation
	<i>Penalties on Employees of Dealers and Distributors</i>	
1st violation	\$200, if they fail to complete an online tobacco education program within 30 days	\$200, if they fail to complete an online tobacco education program within 30 days
2nd violation	\$250	\$250

As under prior law, the above fines for second and subsequent violations may be imposed for violations that occur within 24 months after the first violation.

Under the act, the DRS commissioner may only impose the above fines on e-cigarette dealers (or their employees) referred to him by the DMHAS commissioner after completing unannounced compliance checks (see below). For third

and fourth violations, the DRS commissioner must direct the Department of Consumer Protection (DCP) commissioner to suspend or revoke the e-cigarette dealer's registration. Before taking such action, the act requires the DRS commissioner to notify the e-cigarette dealer in writing of the hearing time and location and require the dealer to show cause why the registration should not be suspended or revoked. The notice must be delivered personally, or by registered or certified mail at least 10 days before the hearing date. When the DRS commissioner directs the DCP commissioner to suspend or revoke the dealer's registration, the DCP commissioner is not required to hold an additional hearing before doing so.

Existing law similarly requires the DRS commissioner to do this for cigarette dealers and distributors and allows him, after a hearing, to suspend or revoke the license of a dealer or distributor for cigarette or tobacco product sales to individuals under the legal age.

Public Notice of License Suspension or Revocation

If the DCP or DRS commissioners suspend or revoke the license or certificate of an e-cigarette dealer or a cigarette dealer or distributor, respectively, the act requires the DRS commissioner to order them to conspicuously post a notice in a public place in the establishment stating that such products cannot be sold during the suspension or revocation period as well as the reasons for the suspension or revocation. Under the act, a dealer or distributor who sells these products during the suspension or revocation period commits an additional violation.

Reinstating an E-Cigarette Dealer Registration

If the DCP commissioner revokes an e-cigarette dealer's registration, the act prohibits her from issuing the dealer a new registration unless she is satisfied that the dealer will comply with the state's e-cigarette laws and regulations.

Proof of Age

The act requires cigarette, tobacco product, and e-cigarette sellers and their agents or employees to ask a prospective buyer who appears to be under age 30 for proper proof of age, in the form of a driver's license, valid passport, or identity card. Prior law required sellers to do this when a prospective buyer's age was in question.

Under existing law and the act, sellers are prohibited from selling cigarettes, tobacco products, or e-cigarettes to someone who does not provide this proof.

Consumer Notice for E-Cigarette Sales

The act requires e-cigarette dealers to place and maintain at each point of sale a notice to consumers that states:

1. the sale, giving, or delivery of e-cigarettes to anyone under age 21 is prohibited by law;
2. a person under age 21 is prohibited from using false identification to purchase e-cigarettes; and
3. the penalties and fines for violating the e-cigarette purchasing laws.

Similar requirements already apply to cigarette dealers and distributors under existing law.

Compliance Checks

The act requires DMHAS to conduct unannounced compliance checks on e-cigarette dealers by having individuals ages 16 to 20 enter the dealers' place of business and attempt to purchase e-cigarettes.

The department must also conduct an unannounced follow-up compliance check of all non-compliant dealers and refer them to the DRS commissioner, who may then impose a penalty (see above).

§§ 8 & 13 — PROMOTIONAL SAMPLES

The act allows e-cigarette dealers to give or deliver free e-cigarette samples in connection with the promotion or advertisement of a product in a similar manner as existing law allows for dealers and distributors of cigarettes and tobacco products. Specifically, an e-cigarette dealer may do so if:

1. the product is given or delivered at the location identified on the dealer's registration application or at an event or establishment in an area that can only be accessed by adults of legal age to purchase and
2. the sample contains at least two e-cigarettes, for which taxes have previously been paid.

Under the act, the e-cigarette dealer is liable for any e-cigarette sample given or delivered to a person under age 21 on the dealer's premises by someone promoting or advertising the product.

The act does not apply to e-cigarette samples given or delivered in connection with the sale of a similar product.

Additionally, the act requires e-cigarette, cigarette, and tobacco product samples to be delivered or given in accordance with federal laws and regulations.

§§ 9 & 10 — E-CIGARETTE DEALER AND MANUFACTURER REGISTRATIONS

Dealer Registration Requirements and Increased Fees

The act specifies that a person cannot sell, offer for sale, or possess with the intent to sell, e-cigarettes unless he or she is an employee, agent, or direct affiliate of a business with an active e-cigarette dealer registration from DCP. It also specifically requires a separate dealer registration for each place of business that sells these products.

Additionally, the act increases, from \$400 to \$800, the annual e-cigarette dealer registration fee. But it retains the \$400 registration fee for e-cigarette dealers with multiple dealer registrations.

The act also makes related minor, technical, and conforming changes.

Manufacturer Registration Requirements

Prior law required e-cigarette manufacturers to register with DCP and annually pay a \$400 registration fee. The act reduces the registration fee to \$200 for e-cigarette manufacturers who hold multiple manufacturer registrations.

Expired Registrations

By law, an e-cigarette manufacturer or dealer who knowingly (1) manufactures or (2) sells, offers for sale, or possesses with the intent to sell, an e-cigarette with a registration that has expired for 90 days or less commits an infraction and is subject to a \$90 fine. The act specifies that the fine applies to each day the dealer or manufacturer violates the law.

Existing law requires the DCP commissioner, before imposing such fines, to notify the manufacturer or dealer in writing and allow him or her 60 days to correct the violation. The act eliminates the requirement that the written notice be sent by (1) certified mail, or similar United States Postal Service delivery method, or (2) electronic mail.

Prior law allowed DCP to renew a manufacturer's expired registration if the applicant paid any required fines. The act allows the commissioner to do this only for registrations that have expired for six months or less.

§ 11 — EMPLOYEE AND OWNER ASSISTED E-CIGARETTE SALES

The act specifies that e-cigarette dealers generally may only sell e-cigarettes at the place of business identified on their dealer application through employee- or owner-assisted sales where customers cannot access the e-cigarettes without the employee's or owner's assistance. It continues to prohibit e-cigarette sales using self-service displays.

As under prior law, e-cigarette dealers are exempt from the requirements if they prohibit anyone under age 21 from entering the place of business and post notice of the prohibition clearly at all of the business's entrances.

§§ 17 & 18 — SMOKING AND E-CIGARETTE BAN AT CHILD CARE CENTERS AND SCHOOLS

Existing law generally prohibits smoking and e-cigarette use in various locations, such as restaurants, health care institutions, and state or municipal buildings.

The act expands the law's prohibited locations by including all school property, inside or outside, instead of only within a school building while school is in session or during student activities. It specifies that the ban applies to public and private schools.

It also (1) expands the law's prohibition on e-cigarette use to include the grounds of a child care facility, instead of only inside the facility, and (2) extends the prohibition to include cigarette and other tobacco product use. Under the act, as under existing law for e-cigarette use, the prohibition only applies to family child care homes (i.e., private homes caring for up to six children) when a child enrolled in the home is present.

§ 19 — ONLINE SALE AND DELIVERY OF E-CIGARETTES

The act requires e-cigarette dealers who sell e-cigarettes and ship them directly to in-state consumers (e.g., through online sales) to (1) obtain the signature of a person aged 21 or older at the shipping address prior to delivery and (2)

require the signer to provide a driver's license or identification card as proof of age.

The act also requires the seller to ensure that the shipping label on such packages conspicuously states the following: "CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT – SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

BACKGROUND

Cigarette Vending Machines

Existing law distinguishes between two types of machines that it authorizes to dispense cigarettes. One is the traditional coin-operated vending machine. The other is the "restricted cigarette vending machine" which (1) automatically deactivates and cannot be operated after each sale and (2) requires a face-to-face interaction or display of identification between the purchaser and employee of the business where the machine is located.

PA 19-19—sSB 706

Public Health Committee

Judiciary Committee

AN ACT CONCERNING EPINEPHRINE AUTO INJECTORS

SUMMARY: This act allows an authorized entity (e.g., for-profit or nonprofit entity) to acquire and maintain a supply of epinephrine auto-injectors (e.g., EpiPens) from a wholesaler and provide or administer them to a person experiencing an anaphylactic reaction. To do this, the authorized entity must (1) establish a medical protocol with a prescribing practitioner and (2) have at least one employee or agent trained in recognizing the signs and symptoms of anaphylaxis, administering the medication, and following emergency protocol.

The act establishes related training, storage, and medication administration requirements.

The act also generally grants immunity from civil and criminal liability to (1) prescribing practitioners who establish medical protocols with authorized entities and (2) authorized entities, the state or its political subdivisions, or their trained employees who provide or administer epinephrine auto-injectors to someone experiencing anaphylaxis.

Additionally, the act authorizes the commissioners of consumer protection or public health to adopt regulations to implement the act's provisions.

The act also makes technical and conforming changes. (PA 19-118, § 63, also makes a technical change to the act.)

EFFECTIVE DATE: Upon passage

§ 1 — MEDICAL PROTOCOLS FOR EPINEPHRINE AUTO-INJECTORS

The act allows a prescribing practitioner authorized to prescribe an epinephrine auto-injector to establish a medical protocol with an authorized entity for the entity's trained employee or agent to administer the medication to provide emergency care to a person experiencing an allergic reaction.

The medical protocol must include:

1. any training requirements for an employee or agent in addition to those described below,
2. record-keeping requirements,
3. proper storage and maintenance of the epinephrine auto injectors, and
4. procedures for handling emergency medical situations involving anaphylactic reactions at the entity's place of business.

Under the act, the medical protocol is deemed established for a legitimate medical purpose and in the usual course of the prescribing practitioner's professional practice. The authorized entity must maintain a copy of the medical protocol at its place of business and review it at least annually with its trained employees and agents and prescribing practitioner.

§§ 1 & 2 — AUTHORIZED ENTITY EPINEPHRINE STOCK

The act allows an authorized entity that has a medical protocol with a prescribing practitioner to acquire and maintain a supply of epinephrine auto-injectors from a wholesaler. It establishes related training, storage, and medication administration requirements.

Under the act, an “authorized entity” is a for-profit or nonprofit entity or organization with at least one trained employee. The act excludes from the definition (1) the state or any political subdivision authorized to purchase epinephrine from a prescription drug manufacturer under existing law or (2) local or regional boards of education and licensed or certified ambulances required to maintain or carry epinephrine auto-injectors under existing law.

Training

In order for an authorized entity’s employee or agent to administer an epinephrine auto-injector, the employee or agent must be:

1. certified as having completed a first aid course offered by the American Red Cross, American Heart Association, National Ski Patrol, Department of Public Health, or a local health director or
2. trained by a licensed physician, physician assistant, advanced practice registered nurse, or emergency medical services (EMS) personnel and have written acknowledgement of the training.

Under the act, the first aid course or health provider training must include training in how to (1) recognize the signs and symptoms of anaphylaxis, (2) administer the medication, and (3) follow emergency protocol. The authorized entity must maintain documentation of the employees’ or agents’ training.

Storage

The authorized entity must designate trained employees or agents to be responsible for the epinephrine auto injectors’ storage, maintenance, and control.

Under the act, an authorized entity’s trained employee or agent must store the epinephrine auto-injectors in a location readily accessible in an emergency and in accordance with the medication instructions and the established medical protocol.

Medication Administration

The act allows an authorized entity’s trained employee or agent to administer an epinephrine auto-injector to someone he or she believes in good faith is experiencing an allergic reaction, even if the individual does not have a prescription for the medication or a prior diagnosis of an allergic condition. It also allows the employee or agent to provide the medication to the individual or the individual’s parent, guardian, or caregiver so that they may immediately administer it.

Under the act, the employee or agent must promptly notify a local EMS organization after an epinephrine auto-injector from the authorized entity’s supply is administered. The authorized entity must also report to the prescribing practitioner who established the medical protocol within 30 days after the medication was administered and maintain a record of the administration.

§§ 1 & 3 — IMMUNITY FROM LIABILITY

Prescribing Practitioners

Under the act, a licensed health care provider authorized to prescribe an epinephrine auto-injector is immune from civil and criminal liability for (1) establishing a medical protocol with an authorized entity and (2) any subsequent use of the epinephrine auto-injector acquired or maintained by the authorized entity.

A prescribing practitioner who establishes a medical protocol with an authorized entity according to the act’s provisions is deemed not to have violated his or her professional standard of care.

Authorized Entities and Trained Employees

The act grants immunity from civil and criminal liability to an authorized entity, or the entity’s trained employee or agent, for providing or administering an epinephrine auto-injector to a person the agent or employee believes in good faith is experiencing anaphylaxis. Specifically, the act grants such immunity for any personal injuries resulting from ordinary negligence during the provision or administration of the medication.

The immunity does not extend to acts or omissions that constitute gross, willful, or wanton negligence.

The State and Its Employees

The act extends to the state and its employees the same immunity from civil and criminal liability as described above for authorized entities and trained employees. The immunity applies only if the state employee meets the act's training requirements for authorized entities' trained employees (i.e., completion of a first aid course or health provider training).

PA 19-45—sHB 6522*Public Health Committee***AN ACT CONCERNING CONTINUING MEDICAL EDUCATION IN SCREENING FOR INFLAMMATORY BREAST CANCER AND GASTROINTESTINAL CANCERS**

SUMMARY: This act allows physicians' risk management continuing education to address screening for inflammatory breast cancer and gastrointestinal cancers, including colon, gastric, pancreatic, and neuroendocrine cancers and other rare gastrointestinal tumors. It applies to license registration periods starting on or after October 1, 2019.

As part of existing law's continuing education requirements, physicians must complete one contact hour (i.e., at least 50 minutes) of risk management training or education (1) during their first license renewal period in which continuing education is required and (2) at least once every six years after that. Existing law, unchanged by the act, requires the risk management training to address prescribing controlled substances and pain management.

By law, physicians generally must complete 50 contact hours of continuing education every two years, starting with their second license renewal.

EFFECTIVE DATE: July 1, 2019

PA 19-56—sSB 807*Public Health Committee***AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR REVISIONS TO THE PUBLIC HEALTH STATUTES, DENTAL ASSISTANTS AND DENTAL THERAPY**

SUMMARY: This act makes changes in various public health-related statutes. It:

1. establishes a dental therapist designation for dental hygienists who meet certain certification, education, clinical training, and examination requirements; requires them to work pursuant to a collaborative agreement with a dentist; and limits their practice to public health settings (§ 14);
2. gives dental assistants more time to pass an infection control examination, and provides an alternate way for them to meet the requirement through a competency assessment (§ 13);
3. adds to the list of procedures that dentists may delegate to expanded function dental assistants (§ 13);
4. extends by one year, until January 1, 2020, the reporting deadline for the task force on the needs of and services for adults with intellectual disability (§ 12); and
5. makes various technical changes (§§ 1-11).

EFFECTIVE DATE: Upon passage, except that the dental assistant provisions take effect July 1, 2019, and the dental therapist provisions take effect January 1, 2020.

§ 14 — DENTAL THERAPISTS

Under certain conditions, the act allows licensed dental hygienists with additional training to engage in the practice of dental therapy. To do so, the hygienist must have:

1. a dental therapist certification (see below);
2. passed a comprehensive examination prescribed by the Commission on Dental Competency Assessments, or its equivalent, and administered independently of any higher education institution that offers a dental therapy program;
3. completed 1,000 hours of clinical training under a dentist's direct supervision, verified by a certificate of completion signed by the dentist;

4. completed six hours of continuing education related to dental therapy; and
5. entered into a collaborative agreement with a dentist (see below).

A dental hygienist seeking to practice dental therapy must complete the clinical training and continuing education requirements before entering into his or her first collaborative agreement with a dentist.

Under the act, the required dental therapist certification must be demonstrated through a form issued by a Commission on Dental Accreditation (CODA)-accredited higher education institution after successful completion of such a program. The program must include, in accordance with CODA’s standards, full-time instruction or its equivalent at the postsecondary college level and incorporate all dental therapy practice competencies. The certification must be (1) signed by the therapist and education program’s director and (2) made available to the Department of Public Health (DPH) upon request.

Scope of Practice (§ 14(a))

The act defines the “practice of dental therapy” as performing educational, preventive, and therapeutic services through any of the practices and procedures listed in the table below.

Practice of Dental Therapy

Identifying oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other providers, and managing referrals to such providers	Dispensing and administering nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a licensed provider, except schedule II-IV controlled substances
Diagnosing and treating oral diseases and conditions within the dental therapist scope of practice	Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis
Emergency palliative treatment of dental pain	Indirect and direct pulp capping on permanent teeth
Indirect pulp capping on primary teeth	Dental suture removal
Comprehensive charting of the oral cavity	Simple extraction of erupted primary teeth
Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of three or greater, except a tooth that is unerupted, impacted, fractured, or needs to be sectioned for removal	Applying topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, and pit and fissure sealants
Pulp vitality testing	Placing and removing space maintainers
Applying desensitizing medication or resin in the oral cavity	Minor adjustments and repairs on removable prostheses
Administering local anesthetics in the oral cavity under a dentist’s general supervision	Preparing and placing direct restoration in primary and permanent teeth that does not require the fabrication of crowns, bridges, veneers, or dentures
Fabricating athletic mouth guards	Changing periodontal dressings
Fabricating and placing single-tooth temporary crowns	Preparing and placing preformed crowns on primary teeth
Interim therapeutic restorations	Recementing permanent crowns

Collaborative Agreement (§ 14(a), (e))

The act allows a dental therapist to practice only under a written collaborative agreement with a dentist, who must provide general supervision to the therapist. The agreement must define the working relationship between them and the parameters of the therapist’s practice. The agreement must include the following elements:

1. identification of public health facilities where the therapist may provide services and the populations to be served;
2. any limitations on the services that the therapist may provide;
3. age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

4. a procedure for creating and maintaining dental records for the therapist's patients;
5. a plan to manage medical emergencies in each facility where the therapist provides care;
6. a quality assurance plan for monitoring the therapist's patient care, including patient care review, referral follow-up, and a quality assurance chart review;
7. protocols for dispensing and administering medications, including the specific conditions and circumstances under which the therapist may do so;
8. criteria for providing care to patients with specific medical conditions or complex medication histories, including prior consultation requirements;
9. criteria for supervising dental assistants, expanded function dental assistants, and other dental hygienists; and
10. a referral plan for situations that are beyond the therapist's capabilities or scope of practice.

The act requires the supervising dentist and therapist to (1) sign and maintain the agreement and (2) review the agreement annually and revise it as needed. The agreement must be kept on file at the locations where the therapist is employed. It must be available for inspection upon DPH's request.

Practice Limited to Public Health Facilities (§ 14(c))

Under the act, a dental therapist may practice only in a public health facility. For this purpose, "public health facilities" include DPH-licensed health care institutions; community health centers; group homes; schools; public preschools; Head Start programs; programs offered or sponsored by the Women, Infants, and Children program; senior centers; managed residential communities; licensed child care centers; and temporary dental clinics (CGS § 20-126*l*, as amended by PA 19-72, § 7).

Supervising Dentist's Responsibility and Liability (§ 14(f))

Under the act, a dentist who enters into a collaborative agreement with a dental therapist is professionally responsible and legally liable for all services authorized and performed by the therapist pursuant to their agreement.

The act allows a dentist to enter into a collaborative agreement with up to two such therapists at one time. The act specifies that it does not require dentists to enter a collaborative agreement with a therapist.

Therapist's Supervision of Assistants or Other Hygienists (§ 14(g))

The act allows a dental therapist, if authorized by the collaborative agreement, to directly supervise up to two dental assistants, expanded functional dental assistants, or dental hygienists.

Continuing Education (§ 14(h))

The act requires dental therapists to complete six hours of continuing education in dental therapy within (1) the 12-month period after first entering into a collaborative agreement with a dentist and (2) each subsequent 24-month period. This is in addition to existing law's continuing education requirement for other dental hygienists (i.e., 16 hours of continuing education every two years, starting with their second license renewal).

The act applies to dental therapists the same rules that already apply to other dental hygienists on continuing education record retention and related matters, including disciplinary action for failing to complete the requirement.

Students (§ 14(d))

The act specifies that it does not prohibit dental hygienists enrolled in a dental therapy program from performing dental therapy work as a required component of the program. This applies as long as the work is unpaid and the individual (1) performs the work under the direct supervision of a dentist and (2) does not hold himself or herself out as a certified dental therapist.

§ 13 — DENTAL ASSISTANTS

Infection Control

Starting July 1, 2018, prior law generally prohibited dentists from delegating any dental procedures to a dental assistant who had not passed the Dental Assisting National Board's infection control examination, except assistants could

receive up to nine months of on-the-job training to prepare for the examination.

The act extends the maximum on-the-job training period to 15 months. It also allows dental assistants, as an alternative to the examination, to fulfill this requirement by completing an infection control competency assessment administered by an in-state dental education program accredited by CODA.

The act also makes conforming changes.

Permitted Procedures for Expanded Function Dental Assistants

By law, dentists may delegate additional procedures to expanded function dental assistants (EFDA) as compared to other dental assistants.

The act adds the following to the list of procedures that dentists may delegate to EFDAs, if performed under the dentist's direct supervision:

1. administering topical anesthetic before a dentist or dental hygienist administers local anesthetic and
2. taking alginate teeth impressions for use in study models, orthodontic appliances, whitening trays, mouth guards, or for fabricating temporary crowns.

§ 12 — TASK FORCE DEADLINE

SA 18-2 created a task force to study the (1) needs of adults with intellectual disability, including such adults with significant behavioral health or aging-related issues and (2) ways to provide them needed services and support. The group must report its findings and recommendations to the Public Health Committee.

The act extends the task force reporting deadline by one year, until January 1, 2020. Under the act, the task force terminates when it submits the report or January 1, 2020, whichever is later.

BACKGROUND

Related Act

PA 19-72 (1) specifies when DPH may take disciplinary action against dental therapists (§§ 4 & 5), (2) adds temporary dental clinics to the definition of "public health facilities" in the dental hygienist statutes (§ 7), and (3) requires the Public Health Committee chairpersons to convene a working group to advise the committee on DPH licensure of dental therapists (§ 10).

PA 19-60—SB 922

Public Health Committee

AN ACT ALLOWING STUDENTS TO APPLY SUNSCREEN PRIOR TO ENGAGING IN OUTDOOR ACTIVITIES

SUMMARY: This act allows students ages six or older to possess and self-apply over-the-counter sunscreen in schools before outdoor activities, if their parent or guardian gave written authorization to the school nurse.

The act allows local and regional school boards to adopt policies and procedures they determine necessary to implement these provisions. If a board adopts such policies and procedures, a student's self-application of sunscreen must be in accordance with them.

Although prior law did not specifically address sunscreen use in schools, its application was generally subject to the same procedures as other over-the-counter medications. Thus, it could be applied only pursuant to a written order from an authorized health care provider and written authorization from the student's parent or guardian.

EFFECTIVE DATE: July 1, 2019

PA 19-70—SB 394
Public Health Committee

AN ACT ESTABLISHING A COUNCIL ON PROTECTING WOMEN'S HEALTH

SUMMARY: This act establishes a 20-member Council on Protecting Women's Health to advise the Public Health and Insurance committees on strategies and any necessary legislative changes to ensure that the federal government does not impede the provision of health care to women in Connecticut.

The act requires the council to (1) monitor federal legislation and any litigation relating to women's health and wellness that could negatively impact women's health in the state and (2) immediately report to the committees on strategies, including initiating legislation, to protect women's health. The council must meet at least quarterly.

Under the act, the council consists of (1) six public officials or their designees and (2) 14 public members appointed by the legislative leaders. Its membership must fairly and adequately represent women who have had issues accessing quality health care in the state.

Starting by January 1, 2020, the council must annually submit a status report to the Public Health and Insurance committees.

EFFECTIVE DATE: July 1, 2019

COUNCIL MEMBERSHIP AND PROCEDURES

Under the act, the council includes the following officials or their designees, as ex-officio voting members:

1. public health, insurance, and mental health and addiction services commissioners;
2. Office of Health Strategy executive director;
3. Healthcare Advocate; and
4. Secretary of the Office of Policy and Management.

The council also includes 14 public members, appointed as follows: three each by the Senate president pro tempore and House speaker and two each by the Senate and House majority and minority leaders. The members must be knowledgeable on issues relating to women's health care in the state. Council appointments must be made by August 30, 2019.

Under the act, members serve two-year terms. Public members may not serve more than two consecutive terms. The appropriate appointing authority fills any vacancy. Council members serve without compensation, except for necessary expenses. The council must elect two co-chairpersons from among its members.

The act requires the Joint Committee on Legislative Management to provide administrative support to the council's chairpersons and help convene council meetings.

PA 19-72—sHB 7303
Public Health Committee

AN ACT CONCERNING DENTAL PRACTITIONERS

SUMMARY: This act makes various changes in laws on dental professionals. Among other things, it:

1. establishes a one-year clinical residency as a standard requirement for dentist licensure;
2. for dentists completing a practical examination instead of a residency, eliminates examinations with human subjects by July 1, 2021;
3. allows out-of-state dentists meeting certain standards to become licensed here without examination if they have worked for at least one year before the application, rather than five years as was previously required;
4. specifies when the Department of Public Health (DPH) may take disciplinary action against dental therapists and makes it a class D felony to violate the laws on dental therapists;
5. allows dentists and dental hygienists to substitute eight hours of volunteer practice at temporary dental clinics for one hour of continuing education, within certain limits;
6. allows dental hygienists to take impressions of teeth for certain purposes under a dentist's indirect supervision;
7. requires the Public Health Committee chairpersons to convene a working group to advise the committee on DPH licensure of dental therapists; and
8. allows dentists to administer finger-stick diabetes tests to patients who have increased risk of diabetes, but who

have not been diagnosed with diabetes.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2020, except July 1, 2019, for the dental therapist working group and diabetes testing provisions.

§§ 1-3 — DENTIST LICENSURE

Examination and Residency Requirements (§§ 1 & 2)

The act changes the standard requirements for dentist licensure. Under prior law, in addition to education requirements (see below), applicants generally had to have passed written and practical (clinical) examinations meeting certain requirements or, instead of the practical examination, completed a one-year graduate residency.

The act retains the written examination requirement and establishes the one-year residency as a standard requirement. As under prior law, (1) the residency program must be accredited by the American Dental Association's Commission on Dental Accreditation (CODA) or its successor and (2) the State Dental Commission, with DPH's consent, may accept a clinical or practical examination instead of the residency.

Under the act, these clinical or practical examinations may not require the use of human subjects, starting by the earlier of (1) July 1, 2021, or (2) when the state Dental Commission approves examinations that do not require patient participation.

It also makes related minor and conforming changes.

Approved Schools (§ 1)

The act specifically requires dentist licensure applicants to have graduated from a dental school accredited by CODA or its successor organization. Prior law allowed the state Dental Commission, with the consent of the DPH commissioner, to determine the approved schools.

Dentists Licensed in Other States (§ 3)

Under specified conditions, the act allows DPH to issue a license without examination to a dentist licensed in another jurisdiction who has worked continuously as a licensed dentist in an academic or clinical setting outside of Connecticut for at least one year immediately before applying for licensure. Under prior law, this applied only if the dentist had been working for five years before applying here.

As under prior law, DPH may issue a license in this manner only if the dentist (1) holds a current license in good professional standing issued after examination by another state or territory with licensure standards commensurate with Connecticut's, except for the practical examination, and (2) is not the subject of a pending disciplinary action or unresolved complaint.

§§ 4 & 5 — DENTAL THERAPIST DISCIPLINARY ACTION

PA 19-56 establishes a dental therapist designation for dental hygienists who meet certain certification, education, and clinical training requirements.

This act makes it a class D felony (see [Table on Penalties](#)) to violate any of the dental therapist provisions in PA 19-56. Under existing law, it is generally a class D felony to violate the dental hygienist statutes.

The act also allows DPH to take disciplinary action against a dental therapist who is convicted for such a violation. This is in addition to the existing grounds for DPH disciplinary action against hygienists (e.g., negligent or incompetent professional conduct). By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license, (2) issuing a letter of reprimand, (3) placing the person on probationary status, or (4) imposing a civil penalty (CGS § 19a-17).

The act provides that if an unlicensed hygienist violates the dental therapist provisions of PA 19-56 with the employer's knowledge, it is deemed a violation by the employer. This is already the case for violations of existing dental hygienist laws.

§ 6 — DENTISTS' CONTINUING EDUCATION

The act allows dentists to substitute eight hours of volunteer practice at a temporary dental clinic for one contact hour

of continuing education, up to a maximum of 10 hours in a two-year period. Under the act, a “temporary dental clinic” provides dental care services at no cost to uninsured or underinsured persons and operates for no more than 72 consecutive hours.

Existing law similarly allows dentists to substitute eight hours of volunteer practice at other public health facilities for one contact hour of continuing education, up to the same maximum. By law, dentists generally must complete 25 contact hours of continuing education every two years, starting with their second license renewal.

§§ 7-9 — DENTAL HYGIENISTS

Scope of Practice (§ 7)

The act allows dental hygienists to take alginate impressions of teeth, under a dentist’s indirect supervision, for use in study models, orthodontic appliances, whitening trays, mouth guards, and fabrication of temporary crowns.

Practice at Temporary Clinics (§ 7)

The act permits dental hygienists with two years of experience to practice without a dentist’s general supervision at a temporary dental clinic (see CGS § 20-126l (b)). It does so by adding these clinics to the definition of “public health facility” for this purpose.

As is already the case for such practice at other public health facilities, hygienists practicing at temporary clinics must refer to a dentist any patients with needs outside of the hygienist’s scope of practice (CGS § 20-126l (f)).

Continuing Education (§ 8)

Under existing law, a dental hygienist may substitute eight hours of volunteer practice at a public health facility for one contact hour of continuing education, up to a maximum of five hours in a two-year period. The act extends this to volunteer practice at temporary clinics.

The act also removes prior law’s four-hour limit on the number of contact hours of continuing education that hygienists may earn through online or distance learning programs.

Dental Hygienist Students (§ 9)

The act specifies that the dental hygienist statutes do not prohibit students in dental hygiene programs from performing dental hygiene work as a required component of the program. This applies as long as the work is unpaid and the student (1) performs the work under the direct supervision of a dentist or dental hygienist and (2) does not hold himself or herself out as a licensed hygienist.

§ 10 — DENTAL THERAPIST WORKING GROUP

The act requires the Public Health Committee chairpersons to convene a working group to advise the committee on DPH licensure of dental therapists. The group’s membership must include:

1. the committee chairpersons or their designees;
2. the DPH commissioner or her designee;
3. representatives of the Connecticut State Dental Association, including at least one dentist and one dental hygienist;
4. a dental therapist certified in another state; and
5. the president of the Board of Regents for Higher Education, or the president’s designee.

The group also must include one representative each from:

1. CODA;
2. the Joint Commission on National Dental Examinations;
3. the Community Health Center Association of Connecticut;
4. the Connecticut Oral Health Initiative;
5. the Connecticut Association of School Based Health Centers;
6. the Connecticut Public Health Association;
7. the Connecticut Dental Health Partnership; and
8. the Community Health Center, Inc.

The working group may also include other members of the Public Health Committee.

The act specifically allows the Public Health Committee chairpersons to convene the working group without the participation of any required group member listed above.

Under the act, the group must evaluate and make recommendations on dental therapists' scope of practice and the educational and training requirements needed to become licensed as a dental therapist. The group must report its findings and recommendations to the committee by January 1, 2020.

§ 11 — DENTISTS TESTING FOR DIABETES

Under certain conditions, the act allows dentists, during an office visit or before a procedure, to administer an in-office point-of-service test to measure a patient's HbA1c percentage with a finger-stick measurement tool. "HbA1c percentage" measures the patient's average blood sugar level over the previous two- to three-month period.

Under the act, a dentist may administer this test for patients who are at increased risk of diabetes, but who are not already diagnosed with it. The dentist may do so only with the patient's consent.

The act specifies that it does not violate the standard of care for a dentist to not administer such a test. It allows the DPH commissioner to adopt implementing regulations.

BACKGROUND

Related Act

PA 19-56, §§ 13 & 14, (1) establishes a dental therapist designation for dental hygienists who meet certain requirements; (2) gives dental assistants more time to pass an infection control examination and provides an alternate way to meet the requirement; and (3) adds to the list of procedures that dentists may delegate to expanded function dental assistants.

PA 19-89—sSB 375

Public Health Committee

AN ACT CONCERNING NURSING HOME STAFFING LEVELS

SUMMARY: This act requires nursing homes to calculate and post daily, at the beginning of each shift, the number of advanced practice registered nurses (APRNs), registered nurses (RNs), licensed practical nurses (LPNs), and nurse's aides responsible for providing direct care to residents during the shift. Nursing homes must make the information available for public review, upon request, and retain the information for at least 18 months after posting it. Federal regulations already require most of this information to be posted in the same manner.

The act also authorizes the Department of Public Health (DPH) commissioner to take disciplinary action or issue a citation against a nursing home if it substantially failed to comply with DPH nursing home minimum direct-care staffing regulations (currently 1.9 hours of direct nursing staff care per resident per day). Nursing homes must prominently post on-site the staffing violation.

Additionally, the act requires a nursing home or residential care home (RCH) that discriminates or retaliates against a resident, a resident's legal representative, or an employee for filing a complaint or testifying in an administrative proceeding against a home to (1) reinstate a terminated employee or (2) restore a resident's prior housing arrangement or other living condition, as appropriate.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2019

NURSING HOME POSTING REQUIREMENTS

Calculating Direct Care Staff Hours

The act requires nursing homes to calculate daily how many nurses and nurse's aides provide direct patient care to residents. Homes must exclude from this calculation nurses or nurse's aides who are (1) managers or administrators or (2) on transportation duty and not providing direct patient care for the primary portion of their shift (i.e., six or more hours of

an eight-hour shift).

The act defines “direct care” as patient care provided personally by a nursing home facility staff member, including treatment, counseling, self-care, and medication administration and “transportation duty” as the responsibility for accompanying the resident while he or she is transported to or from the nursing home.

Posting Direct Care Staff Hours

Under the act, nursing homes must post the following information in accordance with federal nursing home regulations:

1. nursing home name, the date, and total number of residents;
2. total number of APRNs, RNs, LPNs, and nurse’s aides responsible for direct patient care during the shift; and
3. total number of hours each of these nursing staff are scheduled to work during the shift.

The information must be posted daily, at the beginning of each shift, in a legible format and in a conspicuous place readily accessible to, and clearly visible by, residents, employees, and visitors, including those in a wheelchair.

Additionally, the act requires nursing homes to post the following in the same manner:

1. the minimum number of direct-care nursing staff per shift required by DPH regulations and
2. the telephone number or website that a resident, employee, or visitor may use to report a suspected violation of these staffing requirements.

Nursing homes must make the information available for public review upon oral or written request and retain the information for at least 18 months after it is posted.

VIOLATIONS

Under the act, if the DPH commissioner finds that a nursing home has substantially failed to comply with nursing home minimum direct care staffing regulations, she may take disciplinary action against the home and issue, or cause to be issued, a citation.

By law, DPH may take various disciplinary actions against a nursing home, such as suspending or revoking its license, issuing a letter of reprimand or compliance order, imposing a corrective action plan, or placing it on probationary status.

The act requires nursing homes to prominently post on-site a minimum direct-care staffing citation. (It does not specify how long the home must post the information.) DPH must also include the citation on its monthly list of certain nursing home citations issued, civil penalties filed or paid, and violations corrected during the previous month.

WHISTLEBLOWER PROTECTIONS

Existing law prohibits nursing homes and RCHs from discriminating or retaliating against a resident; resident’s relative, guardian, or conservator; or employee for filing a complaint or causing or testifying in an administrative proceeding against a home.

By law, a nursing home or RCH that violates the prohibition is liable to the injured party for treble damages. The act also requires the nursing home or RCH to (1) reinstate the employee, if he or she was terminated due to discrimination or retaliation, or (2) restore the resident to his or her prior housing arrangement or other living conditions, if they were changed due to discrimination or retaliation.

The act provides that discrimination and retaliation include discharging, demoting, suspending, or any other detrimental change in the terms or conditions of a person’s employment or residency, or any threat of these actions.

PA 19-90—SB 380

Public Health Committee

Judiciary Committee

AN ACT CONCERNING THE USE OF FORCE AND PURSUITS BY POLICE AND INCREASING POLICE ACCOUNTABILITY AND TRANSPARENCY

SUMMARY: This act makes various changes to laws regarding (1) law enforcement’s use of force, (2) body-worn and dashboard camera recording disclosures, and (3) police pursuits.

Under the act, each law enforcement unit (see BACKGROUND) must annually prepare and submit a use of force report for the preceding calendar year to the Office of Policy and Management (OPM). It also requires OPM to:

1. complete a preliminary status report whenever a peace officer uses physical force on another person and the person dies as a result and to submit the report to the legislature within five business days after the cause of death is available and
2. make the report it is required to provide at the end of its investigation publicly available on its website within 48 hours after the copies are provided to certain local and state officials.

The act also (1) makes certain body-worn or dashboard camera recordings disclosable to the public within 96 hours after the incident, (2) narrows the instances when deadly force is justified, and (3) generally prohibits a police officer engaged in a vehicle pursuit from discharging a firearm into or at a fleeing motor vehicle.

Lastly, the act (1) establishes a task force to study police transparency and accountability and (2) requires the Police Officer Standards and Training Council (POST) to study and review the use of firearms by police officers during a pursuit.

EFFECTIVE DATE: October 1, 2019, except the provisions on the task force and POST studies are effective upon passage.

§ 1 — USE OF FORCE ANNUAL REPORT

Starting by February 1, 2020, the act requires each law enforcement unit to annually prepare and submit a use of force report for the preceding calendar year to OPM's Division of Criminal Justice Policy and Planning.

Existing law requires each law enforcement unit to create and maintain a record detailing any incident where a police officer (see BACKGROUND) (1) discharges a firearm, except during training exercises or when dispatching an animal or (2) uses physical force that is likely to cause serious physical injury (see BACKGROUND) or the death of another person. The act specifies that physical force likely to cause serious physical injury includes a chokehold or other method of restraint applied to another person's neck area. The act also expands this recordkeeping requirement to include incidents when a police officer engages in a vehicle pursuit (see BACKGROUND).

Under the act, the annual report to OPM must include:

1. the records units maintain to fulfill the above requirement (i.e., the name of the police officer, the time and place of the incident, a description of what occurred and, to the extent known, victim names and witnesses present at the incident);
2. summarized data compiled from such records; and
3. statistics on each use of force incident, including (a) the race and gender of the person the force was used upon, based on the police officer's observation and perception, (b) the number of times force was used on such person, and (c) any injury the person suffered.

Before submitting the report, each law enforcement unit must redact any information from the report that may identify a minor, witness, or victim.

§ 2 — BODY-WORN AND DASHBOARD CAMERA RECORDINGS

Under existing law, when a police officer is giving a formal statement about the use of force or is the subject of a disciplinary investigation where a body camera recording is part of the review, he or she has a right to review the recording, together with his or her attorney or labor representative. The act extends this right to review to include recordings from a dashboard camera with a remote recorder, which means a camera that affixes to a police vehicle's dashboard or that electronically records video of the view through the vehicle's windshield and has an electronic audio recorder that may be operated remotely (CGS § 7-277b(c)).

Additionally, in these instances, the act makes a body-worn or dashboard camera recording disclosable to the public, upon request, not later than (1) 48 hours after an officer has reviewed it or (2) 96 hours after the recorded incident if the officer does not review the recording, whichever is earlier. As under existing law, certain scenarios are, generally, not disclosable, including the following:

1. communications with other law enforcement personnel unless within the performance of duties;
2. encounters with undercover officers or informants;
3. officers on break or engaged in personal activity;
4. people undergoing medical or psychological evaluations, procedures, or treatment;
5. people, other than suspects, in a hospital or medical facility;
6. activities in mental health facilities unless responding to a call involving a suspect in such facilities; or
7. certain crime victims if it would be an invasion of personal privacy (e.g., domestic or sexual abuse).

As under existing law and for the body-worn provision, a police officer is any sworn member of a law enforcement agency who wears body-worn recording equipment (CGS § 29-6d).

§ 3 — USE OF FORCE INVESTIGATIONS

The act requires OPM's Division of Criminal Justice to investigate and determine the appropriateness of an officer's use of deadly force on another person, when done in the performance of his or her duties. Existing law already requires the division to do this when an officer's use of physical force on another person results in that person's death.

Starting January 1, 2020, the act requires the division to complete a preliminary status report with certain information whenever a peace officer, in the performance of the officer's duties, uses physical force on another person and the person dies as a result. The report must include: (1) the deceased person's name, gender, race, ethnicity, and age; (2) the date, time, and location of the injury causing such death; (3) the law enforcement agency involved; and (4) the toxicology report status and death certificate, if available. The division must complete the report and submit a copy to the Judiciary and Public Safety and Security committees within five business days after the cause of death is available.

The act requires the division to make the report it is required to provide at the end of its investigation available to the public on its website within 48 hours after copies are provided to the chief executive officer of the municipality in which the incident occurred and the Department of Emergency Services and Public Protection (DESPP) commissioner or police chief, depending on police jurisdiction. Under existing law, upon the conclusion of the investigation, the division must file a report with the chief state's attorney with certain information, including the determination of whether the use of physical force by the peace officer was appropriate and any future action to be taken.

§ 4 — JUSTIFIED USE OF FORCE

The act narrows the circumstances under which a peace officer, special policeman, motor vehicle inspector, or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force on another person.

Under prior law, such law enforcement official could use deadly force when he or she reasonably believed the action to be necessary to, among other things, prevent the escape from custody of a person whom he or she reasonably believed had committed or attempted to commit a felony that involved the infliction or threatened affliction of serious physical injury. The act narrows this to escape from custody when the official reasonably believes the person committed such a felony, thus the official can no longer use deadly force to prevent the escape of someone he or she reasonably believes has attempted to commit such felony.

§ 5 — POLICE PURSUITS

By January 1, 2021, and at least once during each five-year period after that, the act requires the DESPP commissioner, in conjunction with the chief state's attorney, POST, the Connecticut Police Chiefs Association, and the Connecticut Coalition of Police and Correctional Officers, to adopt regulations to update the police pursuit policy.

The act also generally prohibits a police officer (1) who is engaged in a pursuit from discharging any firearm into or at a fleeing motor vehicle, unless the officer has a reasonable belief that there is an imminent threat of death to the officer or another person posed by the fleeing vehicle or an occupant in the vehicle and (2) from intentionally positioning his or her body in front of a fleeing vehicle, unless such action is a tactic approved by the employing law enforcement unit.

Under the act, if a pursuit enters another law enforcement unit's jurisdiction, the law enforcement unit that initiated the pursuit must immediately notify the unit with jurisdiction over the pursuit area.

§ 6 — POLICE TRANSPARENCY AND ACCOUNTABILITY TASK FORCE

The act establishes a 13-member task force to study police transparency and accountability. The task force must examine: (1) police officer interactions with individuals with a mental, intellectual, or physical disability; (2) the feasibility of police officers who conduct traffic stops issuing a receipt to each stopped individual that includes the reason for the stop and records the demographic information of the person being stopped; and (3) any other police officer and transparency and accountability issue the task force deems appropriate.

The task force members are appointed as follows:

1. two by the House speaker, one of whom is an individual with a mental, intellectual, or physical disability;
2. two by the Senate president pro tempore, one of whom is a justice-impacted individual;
3. one by the House majority leader, who must be a member of the General Assembly's Black and Puerto Rican

Caucus;

4. one by the Senate majority leader, who must be a Connecticut Police Chiefs Association member;
5. two by the House minority leader; and
6. two by the Senate minority leader.

Additionally, the act appoints the following individuals or their designees as ex-officio non-voting members: (1) OPM's Division of Criminal Justice Policy and Planning undersecretary; (2) DESPP commissioner; and (3) chief state's attorney.

Under the act, all the legislative appointments, except the Senate majority leader's appointment, may be General Assembly members. All appointments must be made within 30 days after the act's passage and the appointing authorities must fill any vacancy.

The House speaker and Senate president pro tempore must select the chairpersons from task force members. The chairpersons must schedule and hold the first meeting within 60 days after the act's passage. The Judiciary and Public Safety and Security committees' administrative staff must serve as the task force's administrative staff.

The act requires the task force to submit a preliminary report by January 1, 2020, and a final report by December 31, 2020, on its findings and legislative recommendations to the Judiciary and Public Safety and Security committees. The task force terminates on the date it submits the report or December 31, 2020, whichever is later.

§ 7 — POST STUDY

The act requires POST to study and review firearm use by police officers during a pursuit. By February 1, 2020, POST must report its findings and legislative recommendations to the Judiciary and Public Safety and Security committees.

BACKGROUND

Police Officer

By law, a police officer means any sworn member of an organized local police department; an appointed constable who performs criminal law enforcement duties; special police officers appointed under law (e.g., those appointed to investigate public assistance fraud); and members of a law enforcement unit who perform police duties, including the State Police and tribal police (CGS § 7-294a).

Pursuit

By law, pursuit means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the vehicle speed or by ignoring the police officer's attempt to stop the vehicle (CGS § 14-283a).

Law Enforcement Unit

By law, a law enforcement unit means a law enforcement unit in any agency, organ, or department whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It includes the Mohegan and Mashantucket Pequot police units (CGS § 7-294a).

Serious Physical Injury

By law, a "serious physical injury" creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

PA 19-97—SB 919
Public Health Committee

AN ACT REMOVING THE TERM "HOMEMAKER" IN REFERENCE TO HOME HEALTH AIDE AGENCIES AND SERVICES

SUMMARY: This act makes technical changes updating terminology in statutes related to home health care. It conforms to current practice by removing references to the term “homemaker” in provisions on home health aide agencies, providers, and services.

By law, home health aide agencies generally provide in-home supportive services under a registered nurse’s supervision. Such services include, among other things, assistance with feeding, dressing, personal hygiene, or incidental household tasks.

EFFECTIVE DATE: July 1, 2019

PA 19-98—sSB 921
Public Health Committee

AN ACT CONCERNING THE SCOPE OF PRACTICE OF ADVANCED PRACTICE REGISTERED NURSES

SUMMARY: This act adds advanced practice registered nurses (APRNs) to various statutes that previously only referenced physicians or, in certain cases, other health care providers. In doing so, in some cases the act grants APRNs the specific authority to perform certain actions that prior law generally reserved for physicians, such as entering into a collaborative drug therapy management agreement with a pharmacist.

Among other topics, the act’s provisions address matters related to insurance, workers’ compensation, and behavioral health. In a few cases, the act’s provisions apply only to APRNs who are certified as psychiatric mental health providers.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019

PROVISIONS EXTENDED TO INCLUDE APRNS

The act specifically references APRNs or makes related changes in the statutes as listed in the table below. Prior law generally only referenced physicians (or in some cases, other providers) in these statutes.

Statutory References Extended to APRNs Under the Act

§	<i>Brief Description</i>
<i>Behavioral Health</i>	
1	Allows certain APRNs to authorize emergency treatment for a child hospitalized for psychiatric disabilities if parental consent is withheld or immediately unavailable and the APRN determines that treatment is necessary to prevent serious harm This provision applies only to an APRN certified as a psychiatric mental health provider by the American Nurses Credentialing Center (ANCC)
24 & 25	Applies the same rules to APRNs certified as psychiatric mental health providers by the ANCC that already apply to psychiatrists on confidentiality of patient communications (see BACKGROUND; as under existing law, other APRNs must comply with CGS § 52-146o, on confidential communications between health care providers and patients)

Statutory References Extended to APRNs Under the Act (continued)

§	Brief Description
Workers' Compensation	
2	Allows certain APRNs to diagnose a firefighter with post-traumatic stress disorder after the firefighter witnessed the death of another firefighter in the line of duty, for purposes of certain workers' compensation benefits (existing law already applies to licensed and board-certified mental health professionals) This provision applies only to an APRN certified as a psychiatric mental health provider by the ANCC (PA 19-17, § 12, repeals this section)
3-4 & 6	Allows APRNs to treat injured employees involved in workers' compensation cases by (1) specifically allowing the Workers' Compensation Commission Chairman to add APRNs to the list of approved providers and (2) making related changes
5	Allows APRNs to conduct physical exams for municipal firefighters and police officers on entry to service that may be used in future workers' compensation claims involving cardiac emergencies
Health Insurance	
7	Prohibits contracts between insurers and APRNs or other nurses from having an indemnification agreement for specified claims
8	Requires health insurers to cover residential mental health services provided by APRNs in the same manner as those services provided by physicians and psychologists, and makes related changes (existing law already requires insurers to cover mental health services provided by APRNs in the same manner as services provided by physicians or psychologists) Specifies that an APRN's patient referral provides an exception to the general rule that HMOs are not required to provide benefits for mental health services at facilities not affiliated with the HMO
9 & 12	Allows APRNs to diagnose significant changes in a patient's diabetes symptoms for purposes of requiring insurers to cover medically necessary diabetes outpatient self-management training and education
10	Updates terminology and makes technical changes in a statute requiring health insurers to cover APRN services
18	Allows APRNs to order neuropsychological testing of a child with cancer to assess cognitive or development delays due to treatment, for purposes of providing coverage under HUSKY without prior authorization
Health Care Facility Admissions	
16	Allows APRNs to apply for a child's admission to Newington Children's Hospital (now Connecticut Children's Medical Center) and APRNs working at the hospital to determine whether the child is suitable for admission
17	Allows APRNs to apply for a child's admission to The Children's Center in Hamden, and APRNs working at the center to determine whether the child is suitable for admission
Medical and Vital Records	
11 & 13	Specifies that patient mammography reports must inform patients that their results were sent to their APRN or physician and that the patient should contact them with questions
14	Specifies that, for purposes of the law on patients applying to court for access to their hospital records, a patient's APRN may examine the records
15	Allows APRNs to access the "administrative purposes" section of a death certificate to process it, if the APRN is listed on the certificate
21	Allows APRNs to access and request tissue slides on a patient's behalf

Statutory References Extended to APRNs Under the Act (continued)

§	<i>Brief Description</i>
<i>Miscellaneous</i>	
19	Requires the Department of Public Health (DPH) to distribute its list of reportable diseases to APRNs, in addition to physicians and clinical laboratories as required under existing law
20	Allows APRNs to apply for services to be performed at DPH state laboratories
22 & 23	Allows APRNs to enter into a written protocol-based collaborative drug therapy management agreement with a pharmacist to manage individual patients' drug therapy
26	Applies to APRNs the existing statute of limitations for malpractice actions against physicians or certain other providers (since the same statute of limitations already applies to personal injury cases generally, this provision does not change the statute of limitations for malpractice cases against APRNs)

BACKGROUND*Psychiatrists' Disclosure of Patient Communications*

Existing law generally prohibits a psychiatrist from disclosing communications concerning a patient's mental health condition without the written consent of the patient or his or her authorized representative. But the law permits disclosure without consent in certain situations, such as:

1. to other people or another mental health facility engaged in diagnosing or treating the patient, if the disclosure is necessary for diagnosis or treatment;
2. when the psychiatrist determines that there is a substantial risk of imminent physical injury by the patient, or disclosure is necessary to place the patient in a mental health facility; or
3. the disclosure is in connection with a civil proceeding in which the patient introduces his or her mental condition as part of his or her claim or defense (CGS § 52-146f).

PA 19-99—sSB 967*Public Health Committee**Judiciary Committee***AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES REGARDING EMERGENCY MEDICATION**

SUMMARY: This act codifies existing practice by allowing a hospital or other facility treating criminal defendants in the Department of Mental Health and Addiction Services' (DMHAS) custody to medicate, without going to court, such defendants who were found incompetent to stand trial and who are unable or unwilling to consent to such treatments for their psychiatric disabilities.

The act applies only if obtaining consent would cause a medically harmful delay to such a patient with a condition of an extremely critical nature, as determined by an on-duty physician's or senior clinician's personal observation. The act creates an exception to existing required court procedures for involuntary medication of defendants in the agency's custody (see BACKGROUND).

Existing law also permits involuntary medication under similar circumstances for patients admitted to psychiatric hospitals (CGS § 17a-543(b)).

EFFECTIVE DATE: Upon passage

BACKGROUND*Court Procedures for Involuntary Medication of Defendants in DMHAS Custody*

Under existing law, the hospital or other facility treating such a criminal defendant may apply to probate court to medicate the defendant without his or her consent for up to 120 days at a time.

The procedures and standards differ depending on whether the patient is (1) unable, because of his or her illness, to

give voluntary, informed consent or (2) able, but unwilling, to do so. In the former case, the law authorizes a probate court to appoint a special limited conservator to make the decision on the patient’s behalf. In the latter case, the court may authorize the facility to forcibly medicate the patient under certain circumstances.

In either case, (1) the hospital’s head, or his or her designee, and two qualified physicians must make certain determinations and (2) the conservator or court, as applicable, must consider certain factors in deciding whether to approve the facility’s request (CGS § 17a-543a).

PA 19-105—sHB 6146
Public Health Committee

AN ACT CONCERNING THE EXPANSION OF CERTIFICATION COURSES IN CARDIOPULMONARY RESUSCITATION AND EDUCATION AND TRAINING COURSES IN THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS AND THE ADMINISTRATION OF FIRST AID

SUMMARY: This act expands the list of organizations that may certify or train people in cardiopulmonary resuscitation (CPR) or first aid for various purposes, such as (1) CPR certification required for lifeguards and (2) first aid training required to qualify for immunity under certain provisions of the Good Samaritan statute. It does so by allowing organizations to provide this training or certification if they use guidelines published by the American Heart Association (AHA) and either the American Red Cross (for first aid) or International Liaison Committee on Resuscitation (ILCOR) (for CPR).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

ORGANIZATIONS PROVIDING TRAINING OR CERTIFICATION IN CPR AND FIRST AID

The table below lists the (1) contexts in which the act applies and (2) organizations or persons who may certify or train people in these contexts, both under the act and under existing law.

CPR and First Aid Training or Certification

Act §	Context of Training or Certification	Training or Certification Organizations
1	Required CPR certification for lifeguards (The Department of Public Health (DPH) must adopt regulations to this effect.)	Organizations added by the act: <ul style="list-style-type: none"> • Those using guidelines for CPR and emergency cardiovascular care published by the AHA and ILCOR Organizations listed in existing law: <ul style="list-style-type: none"> • AHA • American Red Cross • American Safety and Health Institute (ASHI)
2	Civil immunity for certain trained persons for ordinary negligence when providing emergency first aid This applies to firefighters, police officers, teachers or other school personnel, ski patrol members, lifeguards, conservation officers, Department of Energy and Environmental Protection patrol and special police officers, or emergency medical services personnel, who have completed a first aid course certified by the organization offering the course.	Organizations added by the act: <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross Organizations listed in existing law: <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director • National Ski Patrol

CPR and First Aid Training or Certification (continued)

Act §	Context of Training or Certification	Training or Certification Organizations
2	<p>Civil immunity for trained employees of a railroad company, including commuter rail line, for ordinary negligence when providing emergency first aid or CPR</p> <p>This applies if the employee completed a first aid course certified by the organization offering the course.</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director • National Ski Patrol
3	<p>Civil immunity for trained persons for ordinary negligence when providing emergency assistance by use of a cartridge injector, voluntarily and not in the ordinary course of their employment or practice and not for compensation</p> <p>This applies if the person completed a first aid course certified by the organization offering the course. (Under existing law and the act, the immunity also applies if the person was trained to use a cartridge injector by a qualifying medical professional.)</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director • National Ski Patrol
4	<p>Child care center staffing requirements for CPR-certified employees (The Office of Early Childhood must adopt regulations setting such appropriate requirements.)</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using guidelines for CPR and emergency cardiovascular care published by the AHA and ILCOR <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • ASHI • Medic First Aid International • National Safety Council
5	<p>Required first aid course for qualified educators and lifeguards monitoring school swimming pools</p> <p>Prior law required these individuals to be certified in CPR pursuant to DPH regulations. The act instead requires them to be certified pursuant to the statute on lifeguard certification (see section 1 above).</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director

CPR and First Aid Training or Certification (continued)

Act §	Context of Training or Certification	Training or Certification Organizations
6	<p>Required first aid course for staff members of before or after school programs, day camps, and child care facilities who are trained to administer medication with a cartridge injector to a child with a diagnosed allergic condition (As under existing law, the course is not required if the staff member has been trained to use such an injector by a qualifying medical professional.)</p> <p>By law, such staff members are granted civil immunity for ordinary negligence when providing emergency assistance with a cartridge injector (see § 3 of the act, CGS § 52-557b(h)).</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross • DPH • Local health director • National Ski Patrol
7	<p>Required basic first aid certification for tattoo technician licensure</p>	<p>Organizations added by the act:</p> <ul style="list-style-type: none"> • Those using first aid guidelines published by the AHA and the American Red Cross <p>Organizations listed in existing law:</p> <ul style="list-style-type: none"> • AHA • American Red Cross

PA 19-109—sHB 6540
Public Health Committee

AN ACT CONCERNING THE PREVENTION OF THE HUMAN IMMUNODEFICIENCY VIRUS

SUMMARY: This act allows physicians and advanced practice registered nurses (APRNs) to provide prophylaxis for HIV to minors without parental or guardian consent, under the same conditions that apply under existing law to examining or treating minors for HIV or AIDS without such consent. It defines prophylaxis as the use of medication, other than a vaccine, to prevent disease (see BACKGROUND).

As under existing law for HIV treatment, the act allows a physician or APRN to provide this prophylaxis without parental or guardian consent only after determining that (1) notifying them would result in denial of such prophylaxis or (2) the minor will not pursue or continue the prophylaxis if the parents or guardian are notified.

Under existing law, the provision of HIV or AIDS treatment to a minor under these circumstances must not be disclosed unless the minor consents, including when the provider sends a bill to anyone other than the minor. The act extends this confidentiality provision to HIV prophylaxis, but provides two exceptions.

First, if the minor is age 12 or younger and receiving such prophylaxis or treatment without parental or guardian consent, the act requires the physician or APRN to report the minor's name, age, and address to the Department of Children and Families for an investigation of possible abuse or neglect. A similar requirement to report applies under existing law for treatment of minors age 12 or younger for sexually transmitted diseases, including HIV (CGS § 19a-216).

Second, the act specifies that physicians or APRNs treating a minor for HIV or AIDS under these circumstances may report to the Department of Public Health (DPH) and local health department as required by the law on DPH's list of reportable diseases (see BACKGROUND).

Lastly, the act extends to HIV prophylaxis existing law's provisions that require documentation in the minor's medical record and make the minor liable for costs.

EFFECTIVE DATE: July 1, 2019

MEDICAL RECORDS AND COSTS

Under the act, if a physician or APRN provides HIV prophylaxis to a minor without parental or guardian consent, the:

1. physician or APRN must fully document the reasons for doing so and include the documentation, signed by the minor, in the minor's clinical record and
 2. minor is personally liable for all costs for services he or she receives without parental or guardian consent.
- These provisions already apply under existing law to HIV treatment for a minor without parental or guardian consent.

BACKGROUND

Pre-Exposure Prophylaxis (PrEP) for HIV

According to the federal Centers for Disease Control and Prevention, PrEP is a method for people with substantial risk of contracting HIV to possibly prevent it by taking a daily pill that includes two specified medications. When someone is exposed to HIV, these medications can prevent the virus from establishing a permanent infection.

DPH Reportable Disease List

By law, DPH maintains an annual list of reportable diseases (including HIV and AIDS) and emergency illnesses and conditions and reportable lab findings. Health care providers and clinical laboratories must report cases of the listed conditions within certain timeframes to the department and the local health director where the case occurs.

PA 19-113—SB 795

Public Health Committee

Judiciary Committee

AN ACT CONCERNING THE USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS

SUMMARY: This act extends immunity from civil liability to physicians, dentists, and nurses who operate an automatic external defibrillator (AED) for personal injury damages caused by the AED's malfunctioning, if the malfunctioning was not due to the provider's negligence.

The act applies to (1) physicians and dentists licensed in Connecticut or other states and (2) licensed practical nurses and registered nurses licensed in Connecticut, when any such professional operates an AED to provide emergency medical or professional assistance.

Existing law provides immunity for negligent acts or omissions by (1) anyone who operates an AED to give emergency assistance voluntarily, gratuitously, and not in the ordinary course of his or her employment or practice and (2) a person or entity in providing or maintaining an AED. The immunity does not apply to gross, willful, or wanton negligence.

EFFECTIVE DATE: October 1, 2019

PA 19-114—sSB 796

Public Health Committee

AN ACT CONCERNING SEXUAL ASSAULT FORENSIC EXAMINERS

SUMMARY: This act makes various changes to the Office of Victim Services' (OVS) Sexual Assault Forensic Examiner (SAFE) program. Principally, it:

1. reinstates a SAFE Advisory Committee terminated in 2013 and requires the committee to recommend to OVS policies and procedures for the SAFE program (§ 1);
2. expands the types of health care providers that may become sexual assault forensic examiners and requires them to successfully complete certification requirements implemented by the chief court administrator (§§ 2 & 3);
3. prohibits anyone from using the title "sexual assault forensic examiner" without having successfully completed the certification requirements (§ 2);
4. modifies the types of health care facilities where sexual assault forensic examinations take place (§§ 2 & 3);
5. specifies that OVS, not the Department of Public Health (DPH), trains sexual assault forensic examiners and

other health care professionals on collecting evidence from adult and adolescent sexual assault victims, which conforms to current practice (§§ 3 & 4); and

6. requires the chief court administrator to prescribe policies and procedures to implement the SAFE program (§ 5).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

§ 1 — SAFE ADVISORY COMMITTEE

Membership

The act reinstates a SAFE Advisory Committee, which PA 12-133 terminated as of June 30, 2013. The committee's 13 members include:

1. the chief court administrator, DPH commissioner, OVS director, victim advocate, SAFE program manager, and chairperson of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, or their designees;
2. one representative of the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services, appointed by the DESPP commissioner;
3. the presidents of the Connecticut Hospital Association and Connecticut College of Emergency Physicians, or their designees; and
4. one appointee each from the Connecticut Alliance to End Sexual Violence, Connecticut Emergency Nurses Association, Connecticut Chapter of the International Association of Forensic Nurses, and the Connecticut Nurses Association.

The prior committee had 12 members, including the chief state's attorney, or his designee, and representatives from the State Police and Connecticut Police Chiefs' Association.

Duties

Prior law charged the committee with advising OVS on establishing the SAFE program. The act instead requires the advisory committee to recommend to OVS policies and procedures for the program. Such recommendations may include:

1. the certification process for individuals qualified to serve as sexual assault forensic examiners, including continuing education requirements to maintain and renew a certification;
2. the development of quality assurance measures to ensure that sexual assault victims' needs are met; and
3. any other related recommendations.

Under the act, the advisory committee must present its recommendations to the OVS director, who may then forward them to the Office of the Chief Court Administrator. The act authorizes the chief court administrator, in his discretion, to direct the implementation of the recommendations as SAFE program policies and procedures.

The act also requires individuals qualified to participate as sexual assault forensic examiners to comply with the policies and procedures the chief court administrator implements to obtain certification and remain in good standing.

§§ 2-4 — SAFE PROGRAM

By law, the SAFE program trains sexual assault forensic examiners and makes them available to adult and adolescent sexual assault victims at participating health care facilities.

Expanded Definition of Sexual Assault (§ 2)

The act expands the definition of a sexual assault victim to include anyone who alleges an injury from a sexual offense, instead of only females as under prior law.

SAFE Provider Qualifications (§§ 2 & 3)

Under prior law, a sexual assault forensic examiner had to be a physician or a registered or advanced practice registered nurse. The act also allows a physician assistant or a nurse midwife to become an examiner. But it requires all examiners to successfully complete the certification, recertification, and continuing education requirements the chief court administrator implements.

(PA 19-118 specifies that a registered nurse or advanced practice registered nurse who provides care and treatment to

a sexual assault victim may not use the title of “sexual assault nurse examiner” unless he or she completed the chief court administrator’s training and certification requirements.)

Location of Service Provision (§§ 2 & 3)

By law, a sexual assault forensic examiner may provide immediate care and treatment to a sexual assault victim in a health care facility and collect evidence. Under the act, this care may be provided in (1) a licensed hospital with an emergency department, including one that is free-standing, or (2) an infirmary operated by UConn at Storrs.

Prior law instead allowed care to be provided in facilities (1) operated by a higher education institution, (2) licensed by DPH as an outpatient clinic or infirmary operated by an educational institution, and (3) accredited by the Joint Commission or Accreditation Association for Ambulatory Health Care.

PA 19-118—sSB 920

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS FOR VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

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Modifies the definition of multi-care institution and requires hospitals to provide DPH with a list of their satellite units when applying for licensure

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Generally extends, from three to four years, how often an accredited outpatient clinic must be inspected

[§ 7 — HEALTH CARE PRACTITIONER DISCIPLINE](#)

Allows DPH and health care practitioner licensing boards or commissions to take disciplinary action against a practitioner who voluntarily surrendered or entered into an agreement not to renew or reinstate his or her license or permit in another jurisdiction

[§§ 8-12 — CONNECTICUT AIDS DRUG ASSISTANCE PROGRAM \(CADAP\) AND CONNECTICUT INSURANCE PREMIUM ASSISTANCE PROGRAM \(CIPA\)](#)

Makes technical changes to reflect the transfer of administration of CADAP and CIPA from DSS to DPH; generally requires program participants to enroll in Medicare Part D and allows DPH to pay Part D premium and coinsurance costs for participants

[§§ 13-18 & 26 — DPH REGULATIONS](#)

Modifies DPH regulatory requirements by permitting, rather than requiring, DPH to adopt regulations on various topics, including radon in drinking water and indoor air and medication administration by unlicensed personnel in residential care homes, among others

[§ 19 — ANNUAL EMS SYSTEM REPORT](#)

Eliminates the requirement that DPH annually report to the Public Health Committee on quantifiable outcome measures for the state's emergency medical system

[§ 20 — CHILD POVERTY AND PREVENTION COUNCIL REPORT](#)

Eliminates the requirement that budgeted state agencies providing prevention services to children annually report to the Appropriations, Children's, and Human Services committees

[§ 21 — DPH CHRONIC DISEASE PLAN](#)

Modifies the content of DPH's statewide chronic disease plan

[§ 22 — PRIVATE RESIDENTIAL WELLS AND WELLS FOR SEMI-PUBLIC USE](#)

Modifies the definitions of "water supply well" and related terms in DPH statutes regulating private residential wells and wells for semi-public use; allows DPH to adopt regulations on the nonresidential construction of wells

[§ 24 — MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT](#)

Removes DPH employees from the list of mandated reporters of child abuse and neglect to reflect the transfer of child care facility and youth camp licensure from DPH to the Office of Early Childhood

[§ 25 — BACKGROUND CHECK FOR DEPARTMENT OF DEVELOPMENTAL SERVICES \(DDS\) JOB APPLICANTS](#)

Requires DDS to conduct fingerprint and state and national background checks on job applicants who have been made a conditional employment offer, instead of only applicants who would provide direct care to individuals with intellectual disability

[§§ 27-40 & 78 — REPEALERS](#)

Repeals provisions (1) requiring DSS to administer CADAP and CIPA, (2) establishing a Health Care Access Commission, and (3) requiring DMHAS to evaluate community residences twice per year

[§ 41 — BEHAVIORAL HEALTH FACILITY REPORTABLE EVENTS](#)

Requires behavioral health facilities to report "reportable events" to DPH

[§§ 43 & 44 — FORENSIC NURSE EXAMINERS](#)

Specifies when nurses can refer to themselves as a "sexual assault nurse examiner" or "sexual assault forensic examiner"

[§ 45 — TECHNICAL CHANGE](#)

Makes a technical change conforming to a statute being repealed

§§ 46-61 — EMERGENCY MEDICAL SERVICES

Makes various changes to EMS statutes, such as requiring EMS personnel to meet national training and examination requirements starting in 2020

§ 62 — BOARD OF EXAMINERS FOR PHYSICAL THERAPISTS

Adds a third physical therapist and removes the physician member from the Board of Examiners for Physical Therapists

§ 63 — TECHNICAL CORRECTION TO PA 19-19

Makes a technical correction to PA 19-19 on epinephrine auto-injectors

§§ 64-69 — MOBILE INTEGRATED HEALTH

Prohibits EMS organizations from providing mobile integrated health care programs without DPH approval, allows EMS organizations to transport patients to destinations other than emergency departments, and allows paramedics to provide telehealth services

§§ 70-75 — TECHNICAL AND CONFORMING CHANGES TO LAWS RELATED TO NURSING HOMES

Makes technical and conforming changes to certain laws related to nursing homes to conform to PA 16-66

§ 76 — VETERINARY LICENSURE EXEMPTIONS

Specifies when certain faculty and students of accredited veterinary schools are exempt from the veterinary medicine licensure requirements

§ 77 — HEALTH SYSTEMS PLANNING UNIT AND DATA RELEASE

Allows OHS's Health Systems Planning Unit, under certain conditions, to release patient-identifiable data to consultants or independent professionals contracted by OHS

EFFECTIVE DATE: July 1, 2019, unless otherwise noted.

§ 1 — SCHOOL-BASED HEALTH CENTER (SBHC) ADVISORY COMMITTEE

Requires the DPH commissioner to make an appointment to the SBHC advisory committee if there is a spot that is vacant for at least one year and decreases the committee's reporting frequency from annually to biennially

Under existing law, the SBHC advisory committee includes (1) several public officials or their designees and (2) 11 members appointed by the governor, legislative leaders, and the Department of Public Health (DPH) commissioner.

This act requires the DPH commissioner to make an appointment to the committee if a spot is vacant for at least one year. If this occurs, the commissioner must notify the appointing authority of her choice at least 30 days before making the appointment.

By law, the advisory committee must report to the Public Health and Education committees. The act decreases the required reporting frequency from annually to every other year. As under prior law, the next report is due January 1, 2020.

§ 2 — DRINKING WATER STATE REVOLVING FUND (DWSRF) LOANS

Allows DPH to disregard the priority funding list when awarding DWSRF loans for an emergency that requires an eligible drinking water project to immediately be undertaken to protect public health and safety

By law, DPH awards DWSRF program loans equal to 100% of eligible project costs to eligible drinking water projects based on a priority list for funding it establishes and maintains.

The act allows DPH to disregard the priority list for an emergency, including an unanticipated infrastructure failure, water contamination, or a water shortage, that requires an eligible project to immediately be undertaken in order to protect

the public's health and safety. Prior law allowed DPH to disregard the priority list only if a public water supply emergency existed.

§§ 3, 4 & 23 — MODEL FOOD CODE

Extends by one year, from January 1, 2019, to January 1, 2020, the date by which DPH must implement the FDA's Model Food Code and makes minor and technical changes related to these laws

The act extends by one year, from January 1, 2019, to January 1, 2020, the date by which DPH must adopt the federal Food and Drug Administration's (FDA) Model Food Code as the state's food code for regulating food establishments. The act also makes minor and technical changes related to the model food code laws.

§ 5 — CHANGES IN FACILITY OWNERSHIP

Expands the scope of a requirement for facilities to obtain DPH approval for certain ownership transfers and extends the deadline for notifying the department

Under prior law, certain changes in facility ownership were subject to prior DPH approval after a scheduled inspection by the department. (This formerly applied to nursing homes and residential care homes (RCHs); a 2016 law updated the laws defining these facilities and appears to have inadvertently applied this requirement to RCHs only.)

The act expands the types of facilities subject to this requirement to include all DPH-licensed facilities (e.g., hospitals, behavioral health facilities, and nursing homes). The prior approval is needed for:

1. a change in ownership for any such facility or institution owned by an individual, partnership, or association or
2. a change in ownership or beneficial ownership of 10% or more of the stock of a corporation that owns, conducts, operates, or maintains the facility or institution.

As under prior law for RCHs, the approval is conditioned on the facility or institution showing that it has complied with all the law's requirements, the licensure regulations, and all applicable public health code requirements. The act extends the deadline for providing notice to the department from 90 to 120 days in advance of the effective date for the proposed change in ownership.

§§ 5 & 6 — MULTI-CARE INSTITUTIONS

Modifies the definition of multi-care institution and requires hospitals to provide DPH with a list of their satellite units when applying for licensure

The act modifies the definition of "multicare institution" to include hospitals that provide behavioral and other health care services (e.g., walk-in clinic). It also requires these hospitals to provide DPH with a list of their satellite units or locations when completing an initial or renewal license application. The act defines a "satellite unit" as a location where the multi-care institution provides a segregated unit of services.

By law, multi-care institution refers to specified institutions that (1) have more than one facility or one or more satellite units owned and operated by a single licensee and (2) offer complex patient health care services at each facility or satellite unit. Under existing law, these institutions include psychiatric outpatient clinics for adults, free-standing facilities for substance abuse treatment, psychiatric hospitals, or general acute care hospitals that provide outpatient behavioral health services. The act specifies that complex patient health care services may include methadone delivery and related substance use treatment services to individuals in a nursing home.

§§ 5 & 42 — OUTPATIENT CLINIC INSPECTIONS

Generally extends, from three to four years, how often an accredited outpatient clinic must be inspected

The act extends, from every three years to every four years, how frequently DPH must inspect certain outpatient clinics. This applies to clinics that have (1) obtained accreditation from a national accrediting organization in the immediately preceding 12 months and (2) not committed any violation that the commissioner determines would pose an immediate threat to the patients' health, safety, or welfare.

The act's provisions do not limit the commissioner's authority to inspect any outpatient clinic for initial licensure or renewal, suspend or revoke any such clinic's license, or take any other authorized legal action against the clinic.

§ 7 — HEALTH CARE PRACTITIONER DISCIPLINE

Allows DPH and health care practitioner licensing boards or commissions to take disciplinary action against a practitioner who voluntarily surrendered or entered into an agreement not to renew or reinstate his or her license or permit in another jurisdiction

The act allows a health care practitioner licensing board or commission or DPH to take disciplinary action against a practitioner's license or permit if the individual was subject to voluntary surrender or an agreement not to renew or reinstate his or her license or permit in another jurisdiction. It applies to individuals subject to these actions by an authorized professional disciplinary agency of any state, the federal government, the District of Columbia, a U.S. possession or territory, or a foreign country.

As under existing law, the board, commission, or DPH can rely on the findings and conclusions made by the other jurisdiction's agency in taking the disciplinary action.

§§ 8-12 — CONNECTICUT AIDS DRUG ASSISTANCE PROGRAM (CADAP) AND CONNECTICUT INSURANCE PREMIUM ASSISTANCE PROGRAM (CIPA)

Makes technical changes to reflect the transfer of administration of CADAP and CIPA from DSS to DPH; generally requires program participants to enroll in Medicare Part D and allows DPH to pay Part D premium and coinsurance costs for participants

PA 18-168 transferred administration of CADAP and CIPA from the Department of Social Services (DSS) to DPH. This act effectuates that transfer by removing references to CADAP in DSS-related statutes.

The act also reinstates the requirement that program applicants and beneficiaries enroll in Medicare Part D or demonstrate their ineligibility to do so. (PA 18-168 eliminated this requirement.) It allows the DPH commissioner to pay the premium and coinsurance costs of Medicare Part D coverage for these individuals.

By law, CADAP is a pharmaceutical drug assistance program that pays for certain FDA-approved medications to treat HIV and HIV-related conditions for eligible low-income residents. CIPA, which is funded through CADAP, provides health insurance premium assistance to eligible CADAP participants who have private insurance.

§§ 13-18 & 26 — DPH REGULATIONS

Modifies DPH regulatory requirements by permitting, rather than requiring, DPH to adopt regulations on various topics, including radon in drinking water and indoor air and medication administration by unlicensed personnel in residential care homes, among others

The act permits, rather than requires, DPH to adopt regulations:

1. concerning radon in drinking water that are consistent with the federal Environmental Protection Agency's (EPA) national primary drinking water regulations (§ 13);
2. establishing radon measurement requirements and procedures for evaluating radon in indoor air and reducing elevated levels detected in public schools (§ 14);
3. requiring home health agencies, residential care homes, assisted living services agencies, and licensed hospice care organizations to provide training on Alzheimer's disease and dementia to direct care staff (§ 16);
4. ensuring the safe provision of auricular acupuncture as an adjunct therapy to treat alcohol and drug abuse (§ 26); and
5. requiring residential care homes to designate unlicensed personnel to obtain certification to administer medication to residents who require such assistance (§ 15).

For the latter, if the department implements regulations on medication administration by unlicensed personnel, the act requires, rather than allows, DPH to adopt policies and procedures while adopting the regulations.

Additionally, the act permits DPH, in consultation with the Department of Mental Health and Addiction Services (DMHAS), to (1) amend its substance abuse treatment regulations, (2) implement a dual licensure program for behavioral health providers who provide mental health and substance abuse services, or (3) permit the use of saliva and urine drug screens at DPH-licensed facilities (§ 17). Prior law required DPH to implement all three of the above listed actions.

Lastly, the act eliminates the requirement that DPH, in consultation with the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians, adopt regulations establishing minimum curriculum requirements for

hairdressing and cosmetology schools. It instead requires the commissioner to adopt a curriculum and procedures for approving these schools and post the curriculum on the DPH website (§ 18).

§ 19 — ANNUAL EMS SYSTEM REPORT

Eliminates the requirement that DPH annually report to the Public Health Committee on quantifiable outcome measures for the state's emergency medical system

The act eliminates the requirement that DPH annually research, develop, track, and report to the Public Health Committee quantifiable outcome measures for the state's emergency medical service (EMS) system.

Existing law, unchanged by the act, requires DPH to develop an EMS data collection system through which EMS service professionals submit quarterly data to the department. DPH must annually report on the data it collects to the EMS Advisory Board (CGS § 19a-177(8)).

§ 20 — CHILD POVERTY AND PREVENTION COUNCIL REPORT

Eliminates the requirement that budgeted state agencies providing prevention services to children annually report to the Appropriations, Children's, and Human Services committees

The act eliminates a requirement that budgeted state agencies providing prevention services to children report to the Appropriations, Children's, and Human Services committees annually by November 1. Under prior law, agencies had to submit this report through 2020. The report had to include (1) the number of families and children served, for at least two prevention services; (2) a description of the preventive purposes of the services; and (3) performance-based standards and outcomes included in relevant contracts, among other things.

The reporting requirement was enacted when the Child Poverty and Prevention Council was established. The council terminated in June 2015.

§ 21 — DPH CHRONIC DISEASE PLAN

Modifies the content of DPH's statewide chronic disease plan

By law, DPH must consult with the Office of Health Strategy and local health departments to develop and implement a statewide chronic disease plan. The act requires that the plan reduce the incidence of tobacco use, high blood pressure, health care-associated infections, asthma, unintended pregnancy, and diabetes.

Prior law required that the plan reduce the incidence of chronic disease, including chronic cardiovascular disease, cancer, lupus, stroke, chronic lung disease, diabetes, arthritis or another metabolic disease, and the effects of behavioral health disorders.

As under prior law, the plan must be consistent with (1) DPH's Healthy Connecticut 2020 health improvement plan and (2) the state healthcare innovation plan developed under the State Innovation Model Initiative by the federal Centers for Medicare and Medicaid Services Innovation Center.

§ 22 — PRIVATE RESIDENTIAL WELLS AND WELLS FOR SEMI-PUBLIC USE

Modifies the definitions of "water supply well" and related terms in DPH statutes regulating private residential wells and wells for semi-public use; allows DPH to adopt regulations on the nonresidential construction of wells

The act makes minor changes to several definitions concerning the regulation of private residential wells and wells for semi-public use. It expands the definition of "water supply well" to include an artificial excavation to obtain or provide water for industrial, commercial, agricultural, recreational, irrigation, or other outdoor water use, in addition to domestic use or drinking as under existing law. In doing so, the act conforms to the statutory definition used by the Department of Consumer Protection to regulate well drilling, thus subjecting all water supply wells to Public Health Code requirements.

The act also allows the DPH commissioner to adopt regulations on the nonresidential construction of new water supply wells (e.g., an office building with fewer than 25 employees), in addition to the residential construction of such wells as under existing law.

§ 24 — MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT

Removes DPH employees from the list of mandated reporters of child abuse and neglect to reflect the transfer of child care facility and youth camp licensure from DPH to the Office of Early Childhood

The act removes DPH employees from the list of mandated reporters of child abuse and neglect to reflect the transfer of licensing child care facilities and youth camps from DPH to the Office of Early Childhood under PA 14-39.

§ 25 — BACKGROUND CHECK FOR DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS) JOB APPLICANTS

Requires DDS to conduct fingerprint and state and national background checks on job applicants who have been made a conditional employment offer, instead of only applicants who would provide direct care to individuals with intellectual disability

The act requires DDS to conduct fingerprint and state and national background checks on any job applicant who has been made a conditional employment offer. Prior law required DDS to do this only for applicants who would provide direct services to people with intellectual disability.

Existing law allows DDS to subject private providers licensed or funded by the state to Connecticut criminal background checks if they will have direct contact with individuals with intellectual disability and their families. The act specifies that this requirement applies only to private providers that have been made a conditional employment offer by the department.

§§ 27-40 & 78 — REPEALERS

Repeals provisions (1) requiring DSS to administer CADAP and CIPA, (2) establishing a Health Care Access Commission, and (3) requiring DMHAS to evaluate community residences twice per year

The act repeals the following provisions and makes related technical and conforming changes:

1. requiring DSS to administer CADAP and CIPA, which provide prescription medication assistance to eligible low-income residents with HIV or HIV-related conditions (the programs are now administered by DPH, see §§ 8-12) (CGS §17b-256);
2. establishing a Health Care Access Commission to develop programs needed to ensure appropriate health care access by all residents (the commission is defunct and its duties are now performed by the Office of Health Strategy's Health Care Cabinet) (CGS §19a-7b); and
3. requiring DMHAS to evaluate community residences for individuals with mental illness twice a year and send the review to DPH upon request (CGS §19a-507c).

§ 41 — BEHAVIORAL HEALTH FACILITY REPORTABLE EVENTS

Requires behavioral health facilities to report "reportable events" to DPH

Existing law requires DPH to (1) develop a system for nursing homes to electronically report "reportable events" to the department and (2) nursing homes to report these events using the electronic system. The act extends these requirements to behavioral health facilities.

For these purposes, "reportable events" are events occurring at these facilities that DPH deems to require immediate notification.

§§ 43 & 44 — FORENSIC NURSE EXAMINERS

Specifies when nurses can refer to themselves as a "sexual assault nurse examiner" or "sexual assault forensic examiner"

PA 19-114 makes various changes to the Office of Victim Services' Sexual Assault Forensic Examiner (SAFE) program. For example, it expands the types of health care providers that may become sexual assault forensic examiners (which includes nurses) and requires them to successfully complete certification requirements implemented by the chief

court administrator.

This act specifies that a registered nurse or advanced practice registered nurse who provides care and treatment to a sexual assault victim may not use the title of “sexual assault nurse examiner” unless he or she completed the chief court administrator’s training and certification.

§ 45 — TECHNICAL CHANGE

Makes a technical change conforming to a statute being repealed

The act removes a statutory reference to a provision being repealed (see § 78).

§§ 46-61 — EMERGENCY MEDICAL SERVICES

Makes various changes to EMS statutes, such as requiring EMS personnel to meet national training and examination requirements starting in 2020

The act makes various changes to the statutes on emergency medical services (EMS). Among other things, it:

1. requires emergency medical technicians (EMTs), advanced EMTs, and emergency medical responders (EMRs), starting January 1, 2020, to obtain and renew their state certification by completing national training and examination requirements (§§ 57 & 58);
2. requires EMS instructors to obtain and renew their state certification in this manner by a date DPH determines (§ 58); and
3. allows a volunteer, hospital-based, or municipal ambulance service to apply to DPH to add a branch location to their primary service area, and makes corresponding changes to application requirements (previously, they had to undergo a hearing process through the department) (§ 50).

The act also makes minor and technical changes to various EMS statutes, including (1) requiring EMS organizations to submit required data to DPH in electronic format, instead of also allowing written submissions; (2) requiring DPH to establish minimum training standards for all EMS personnel, instead of only EMTs; and (3) modifying the definition of “EMS organization” and substituting this term for “EMS provider” to update terminology.

National Certification for Certain EMS Personnel

Starting January 1, 2020, the act generally requires applicants for EMR, EMT, or advanced EMT certification to obtain certification from a national organization for emergency medical certification in place of current state certification and licensure requirements. It requires applicants for EMS instructor certification to do so starting at a date the DPH commissioner prescribes.

The act defines the national organization for emergency medical certification (“national organization”) as a national organization, or its successor, that (1) DPH approves and identifies on its website and (2) tests and certifies EMS personnel. (DPH approved and identified the National Registry of Emergency Medical Technicians, a nonprofit organization that tests and certifies all levels of EMS personnel.)

Previously, applicants for state certification had to meet specified training requirements and pass written and practical examinations, as listed in the table below.

Initial Certification. Under the act, applicants for initial certification as an EMR, EMT, or advanced EMT must (1) complete an initial training program consistent with the National Highway Traffic Safety Administration’s National EMS Education Standards for their respective profession and (2) pass the national organization’s examination for their respective profession or a DPH-approved examination. In addition, as under prior law, applicants must have no pending disciplinary action or complaint against them.

The act requires applicants for EMS instructor initial certification to:

1. hold a current EMT or advanced EMT certification or paramedic license in Connecticut;
2. complete an EMT instructor training program based on current national education standards within the prior two years;
3. complete 25 hours of teaching under the supervision of a certified EMS instructor;
4. complete written and practical examinations prescribed by DPH;
5. have no pending disciplinary action or complaints; and
6. by a date the DPH commissioner prescribes, maintain current EMT, advanced EMT, or paramedic certification from the national organization.

Previously, applicants had to meet the initial certification requirements listed in the table below.

Prior Initial Certification Requirements for EMRs, EMTs, Advanced EMTs, and EMS Instructors

Profession	Prior Education and Training Requirements For Initial Certification
EMR	(1) complete 60-hour DPH-approved training that includes written and practical examinations or (2) be currently certified as an EMT, advanced EMT, or paramedic and pass the examination required for an initial EMR training program
EMT	(1) complete 150-hour DPH-approved training that includes written and practical examinations or (2) be currently licensed as a physician, registered or advanced practice registered nurse, or physician assistant and complete a 30-hour DPH-approved refresher course and pass written and practical examinations
Advanced EMT	(1) complete 150-hour DPH-approved training that includes written and practical examinations or meets or exceeds the 2009 National EMS Education Standards for the profession and (2) be currently certified as an EMT
EMS Instructor	(1) be currently certified in good standing as an EMT; (2) document his or her qualifications, referencing national education standards; (3) submit a letter of endorsement from two certified EMS instructors; and (4) successfully complete written and practical examinations

Certification Renewals. The act requires applicants seeking to renew certification as an EMR, EMT, or advanced EMT to (1) successfully complete the continuing education required by the national organization or approved by DPH or (2) be currently certified in their respective professions by the national organization.

Prior law required EMRs, EMTs, and advanced EMTs seeking certification renewal to complete a DPH-approved refresher course. Applicants currently certified in another state could complete a refresher course in that state if DPH determined it was equal to Connecticut's.

For EMS instructors, the act requires applicants for certification renewal to:

1. successfully complete the continuing education and teaching required by DPH;
2. maintain a current Connecticut EMT or advanced EMT certification or paramedic license; and
3. by a date the DPH commissioner prescribes, maintain current EMT, advanced EMT, or paramedic certification by the national organization.

Additionally, the act requires EMRs, EMTs, and advanced EMTs to renew their certifications every two years, rather than three years as under prior law.

Certification by Endorsement. As under prior law, the act requires EMR, EMT, and advanced EMT applicants for certification by endorsement (i.e., those currently certified in another state) to present satisfactory evidence to the DPH commissioner that they are currently certified in good standing in their respective profession by a state with requirements DPH determines are at least as strict as Connecticut's. The act alternatively grants certification to such applicants who are currently certified by the national organization.

Continuing Education. The act requires EMRs, EMTs, advanced EMTs, and instructors (i.e., EMS personnel) to document completion of their continuing education requirements through an online database approved by the DPH commissioner. The database must allow EMS personnel to enter, track, and reconcile continuing education hours and topics.

The act exempts from the continuing education requirement EMS personnel who are not engaged in professional practice in any form during the certification period. But the act requires such EMS personnel to apply to DPH for inactive status before their certification expires and submit any documentation the department requires. The application must include a statement that the EMS personnel cannot engage in professional practice until meeting the act's continuing education requirements.

Certified EMT-Paramedics. The act increases, from \$150 to \$155, the license renewal fee for paramedics who were certified EMT-paramedics on October 1, 1997. (Prior DPH regulations established three levels of EMT certification, including EMT-paramedic.)

§ 62 — BOARD OF EXAMINERS FOR PHYSICAL THERAPISTS

Adds a third physical therapist and removes the physician member from the Board of Examiners for Physical Therapists

The act adds a third physical therapist and removes the physician member from the five-member Board of Examiners

for Physical Therapists. (The other two members are public members.) In practice, the physician spot is currently vacant. Under existing law and the act, the governor appoints the board's members.

§ 63 — TECHNICAL CORRECTION TO PA 19-19

Makes a technical correction to PA 19-19 on epinephrine auto-injectors

PA 19-19 allows authorized entities to acquire and maintain a supply of epinephrine auto-injectors and contains related provisions. This act makes a technical correction to PA 19-19, specifying that its definitions apply throughout that act.

EFFECTIVE DATE: Upon passage

§§ 64-69 — MOBILE INTEGRATED HEALTH

Prohibits EMS organizations from providing mobile integrated health care programs without DPH approval, allows EMS organizations to transport patients to destinations other than emergency departments, and allows paramedics to provide telehealth services

The act makes various changes regarding mobile integrated health care programs. Specifically, it:

1. allows DPH, starting January 1, 2020, and within available appropriations, to authorize an EMS organization to establish a mobile integrated health program under the organization's existing license or certification;
2. prohibits EMS organizations from providing a mobile integrated health program without DPH approval;
3. requires DPH to adopt regulations setting minimum program standards, including (a) standards to ensure patients' health, safety, and welfare and (b) data collection and reporting requirements;
4. allows the DPH commissioner to implement policies and procedures to administer these programs and requires her to post them on the DPH website and the state's e-regulation system within 20 days after they are implemented;
5. generally makes patients liable for reasonable and necessary service costs if they receive nonemergency services from a mobile integrated health care program;
6. allows a licensed or certified EMS organization or provider to transport patients by ambulance to alternate destinations (i.e., medically appropriate facilities other than emergency departments) in consultation with the medical director of a sponsor hospital;
7. allows certain ambulance services assigned as a primary service area responder by September 1, 2019, to be deemed as the primary service area's authorized mobile integrated health care program;
8. requires DPH to establish rates for licensed or certified EMS organizations or providers that treat and release patients without transporting them to an emergency department when such treatment is not part of a mobile integrated health program; and
9. adds paramedics to the list of health care providers authorized to provide telehealth services.

Under the act, a "mobile integrated health care program" is a DPH-approved program in which a licensed or certified ambulance service or paramedic intercept service provides services, including clinically appropriate medical evaluations, treatment, transport, or referrals to other health care providers under nonemergency conditions by a paramedic acting within his or her scope of practice as part of an EMS organization within the EMS system.

Additionally, the act makes technical and conforming changes.

Mobile Integrated Health Programs (§§ 68 & 69)

Program Authorization (§ 68). The act allows the DPH commissioner, starting January 1, 2020, and within available appropriations, to authorize an EMS organization to establish a mobile integrated health care program under the organization's current license or certification. To do so, the EMS organization must apply to DPH using forms the commissioner prescribes, and provide satisfactory evidence that it meets the law's licensure or certification requirements.

The act prohibits anyone from advertising or producing printed materials that hold themselves out to be a mobile integrated health care program provider unless they are licensed, certified, or authorized by law.

However, the act allows an ambulance service that is assigned as the primary service area responder for a primary service area (PSA) on or before September 1, 2019, to be deemed authorized by DPH as the PSA's licensed mobile integrated health care program. The ambulance service must notify DPH's Office of Emergency Medical Services in writing by October 1, 2019, (1) of its assignment as a PSA responder and (2) attesting to its compliance with laws and

regulations on the operation of an ambulance service.

The act extends existing laws to mobile integrated health care programs. For example, as is already the case for other requests by EMS organizations to offer new or expanded EMS services:

1. DPH generally must hold a hearing to determine the need for a mobile integrated health care program before granting a permit approving one and
2. if the application is approved, the organization must acquire the necessary equipment within six months, or the approval is void.

Liability for Service Costs (§ 69). The act generally makes anyone who receives nonemergency medical or transport services from a mobile integrated health program liable for the reasonable and necessary cost of those services.

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.

Transportation to Alternate Destinations (§ 66)

The act allows a licensed or certified EMS organization or provider to transport a patient by ambulance to an alternate destination (i.e., medically appropriate facilities other than emergency departments) in consultation with a sponsor hospital's medical director. An ambulance that does so must meet state regulatory requirements for a basic level ambulance, including those regarding medically necessary supplies and services.

Rate Setting (§ 65)

The act requires the DPH commissioner to establish rates for licensed or certified EMS organizations or providers that treat and release patients without transporting them to an emergency department. EMS organizations and providers must provide these services within their scope of practice and following protocols approved by their sponsor hospital.

Existing law also requires the DPH commissioner to establish rates for licensed or certified ambulance services and paramedic intercept services.

The act specifies that these new and existing rates do not apply to treatment provided to patients through mobile integrated health care programs.

Telehealth Providers (§ 67)

The act adds licensed paramedics to the list of health care providers authorized to provide health care services using telehealth. They must do so within their profession's scope of practice and standard of care, just as other telehealth providers must under existing law. By law, telehealth means delivering healthcare services through information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's physical and mental health.

Existing law already allows the following providers to provide health care services using telehealth: licensed physicians, advanced practice registered nurses, registered nurses, physician assistants, pharmacists, occupational and physical therapists, naturopaths, chiropractors, optometrists, podiatrists, psychologists, marital and family therapists, clinical or master social workers, alcohol and drug counselors, professional counselors, dietician-nutritionists, speech and language pathologists, respiratory care practitioners, and audiologists.

§§ 70-75 — TECHNICAL AND CONFORMING CHANGES TO LAWS RELATED TO NURSING HOMES

Makes technical and conforming changes to certain laws related to nursing homes to conform to PA 16-66

The act makes technical changes to conform to PA 16-66, which created a definition for "nursing home facility" that is separate from the definition of "residential care home" for institutional licensing purposes.

EFFECTIVE DATE: Upon passage

§ 76 — VETERINARY LICENSURE EXEMPTIONS

Specifies when certain faculty and students of accredited veterinary schools are exempt from the veterinary medicine licensure requirements

Existing law specifies certain entities that are exempt from the prohibition against practicing veterinary medicine

without a license. Previously, this included hospitals, educational institutions, laboratories, or state or federal institutions, or any employee, student, or person associated with those facilities, while they were engaged in research or studies involving the use of medical, surgical, or dental procedures. The act instead exempts these entities and individuals while they are engaged in research or studies involving the administration of these procedures to an animal or livestock within the facility.

The act also provides an exemption from the veterinary licensure laws for faculty members, residents, students, and interns employed by an American Veterinary Medical Association-accredited school of veterinary medicine, surgery, or dentistry. The exemption applies while they are engaged in clinical practice, research, or studies involving the use of veterinary medical, surgical, or dental procedures within a hospital, clinic, or laboratory that the school owns.

The act also makes technical changes.

§ 77 — HEALTH SYSTEMS PLANNING UNIT AND DATA RELEASE

Allows OHS's Health Systems Planning Unit, under certain conditions, to release patient-identifiable data to consultants or independent professionals contracted by OHS

By law, the Office of Health Strategy's (OHS) Health Systems Planning Unit generally must keep confidential any patient-identifiable data it receives. Existing law provides certain exceptions, such as data the unit provides to state or federal agencies under certain conditions and for certain purposes.

The act allows the Health Systems Planning Unit to also release patient-identifiable data to consultants or independent professionals contracted by OHS to carry out the unit's functions, including collecting, managing, or organizing the data.

As with the existing exceptions, the act prohibits these consultants or professionals from releasing this data in any manner that could lead to the identification of an individual patient, physician, provider, or payer.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 19-191, § 10, contains similar provisions on licensing EMS personnel and requires such licensure applicants to also complete mental health first aid training.

PA 19-144—sHB 6942

Public Health Committee

AN ACT CONCERNING A COLLABORATIVE RELATIONSHIP BETWEEN PHYSICIAN ASSISTANTS AND PHYSICIANS

SUMMARY: This act defines a physician assistant's (PA) relationship with a physician as collaborative instead of dependent, as under prior law.

Existing law, unchanged by the act, requires PAs to provide patient care under the supervision, control, responsibility, and direction of a licensed physician.

EFFECTIVE DATE: July 1, 2019

PA 19-164—sHB 7198

Public Health Committee

AN ACT CONCERNING SOCIAL WORKERS

SUMMARY: This act generally prohibits anyone from advertising services as a social worker, or using the title "social worker" or any associated initials, unless he or she (1) has a bachelor's or master's degree in social work from a program

accredited by the Council on Social Work Education (CSWE); (2) has a doctorate in social work; or (3) if educated outside of the U.S. or its territories, has completed an education program CSWE deems equivalent.

Existing law already prohibits anyone who is unlicensed from using the title of licensed master or clinical social worker or advertising services as such.

The act exempts from the prohibition (1) state employees with the social worker title and (2) municipal employees with this title hired before July 1, 2019. Existing law already allows any person employed by the state before October 1, 1996, with the title in the social work series of the classified service to have such a title to describe or perform his or her duties (CGS § 20-195r).

Starting October 1, 2019, the act requires the state, on any posting for a job in the social work series of classified service that does not require a social work license, to specify that the preferred qualification is a bachelor's or master's degree in social work from a CSWE-accredited program or a doctorate in social work.

The act also makes technical changes, including deleting obsolete provisions.

EFFECTIVE DATE: October 1, 2019

PA 19-176—HB 7282

Public Health Committee

AN ACT CONCERNING NEWBORN SCREENING FOR SPINAL MUSCULAR ATROPHY

SUMMARY: Starting January 1, 2020, this act requires all health care institutions caring for newborn infants to test them for spinal muscular atrophy, unless a parent objects based on religious grounds. It requires the institutions to administer the test as soon as it is medically appropriate.

Like the cystic fibrosis and critical congenital heart disease tests existing law requires, the spinal muscular atrophy test is performed in addition to, but separate from, 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, 2019

BACKGROUND

Spinal Muscular Atrophy

Spinal muscular atrophy is a genetic disease affecting the part of the nervous system that controls voluntary muscle movement. Specifically, it is a motor neuron disease that involves the loss of nerve cells in the spinal cord that may affect a person's ability to walk, eat, or breathe, among other things. The earlier the age of onset, the greater the effect the disease has on motor function.

Related Act

PA 19-117, § 148, expands the state's newborn screening program to include any disorder listed on the federal Recommended Uniform Screening Panel, subject to the Office of Policy and Management secretary's approval.

PA 19-194—HB 7194

Public Health Committee

Energy and Technology Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING PUBLIC DRINKING WATER AND CLARIFICATION CONCERNING THE EFFECT OF THE PROVISIONS OF THE STATE WATER PLAN AND DEFINING MUNICIPALITY WITH RESPECT TO STORMWATER AUTHORITIES

SUMMARY: This act allows public water system public service companies to receive grants from the Department of Public Health's (DPH) Public Water System Improvement Program. Prior law limited program eligibility to municipal water companies and nonprofit non-community water systems (i.e., facilities served by their own water supply).

Under the act, a water system that is a public service company (i.e., regulated by the Public Utilities Regulatory Authority (PURA)) may receive a program grant only if (1) it serves at least 25 people or at least 15 year-round service connections, (2) the grant is used for an eligible drinking water project approved for financial assistance under DPH's Drinking Water State Revolving Fund (DWSRF) Program (see BACKGROUND), and (3) DPH consulted with PURA about the grant.

Existing law limits program grants to (1) 50% of eligible project costs for systems serving up to 10,000 people and (2) 30% of eligible project costs for larger systems.

Additionally, the act requires DPH to amend its regulations to include standards and procedures for it to approve third parties to administer certification exams for operators of water treatment plants, water distribution systems, and small water systems. The regulations must also include standards and procedures for DPH to approve study courses and course providers related to these operators, as well as those who test backflow prevention devices and perform cross-connection surveys.

The act also (1) provides that any state statutes that conflict with the state water plan are controlling and (2) makes changes in HB 7408 (2019), which relates to municipal stormwater authorities but did not pass (thus, this section has no legal effect).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019, except (1) upon passage for the provision on conflicts between state law and the state water plan and (2) July 1, 2019, for the provisions on municipal stormwater authorities.

BACKGROUND

Drinking Water State Revolving Fund (DWSRF)

Under the DWSRF program, DPH awards loans for up to 100% of eligible project costs to eligible drinking water projects, based on a priority funding list it establishes and maintains. Eligible project costs include, among other things, labor, materials, machinery, land, or easements. DPH's Public Water System Improvement Program grants may be used to forgive the principal on DWSRF loans.

PA 19-30—SB 702

*Public Safety and Security Committee
Judiciary Committee*

AN ACT CONCERNING THE TRANSFER OF LAW ENFORCEMENT AGENCY RECORDS BETWEEN AGENCIES

SUMMARY: Under this act, when a law enforcement agency discloses certain criminal investigation records to another law enforcement agency that is authorized to receive them, the agency that made the disclosure is exempt from liability for any further disclosure the receiving agency makes.

The act applies to records that law enforcement agencies compile in connection with the detection or investigation of a crime and that the Freedom of Information Act (FOIA) exempts from mandatory disclosure when disclosure is not in the public interest because it would reveal:

1. the identity of informants or witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;
2. the identity of witnesses who are minors;
3. witnesses' signed statements;
4. information to be used in a prospective law enforcement action if prejudicial to the action;
5. investigatory techniques not otherwise known to the general public;
6. juvenile arrest records, including any associated investigatory files;
7. the name and address of the victim of (a) certain sexual assault crimes, (b) voyeurism, (c) injury or risk of injury to a child, or (d) an attempt to commit one of these crimes (see BACKGROUND); or
8. uncorroborated allegations in records subject to destruction (CGS § 1-210(b)(3)).

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Related Act

PA 19-43 § 1 expands the above FOIA exemption to include the name and address of victims of family violence or attempted family violence.

PA 19-37—sHB 5455

Public Safety and Security Committee

AN ACT CONCERNING QUALIFIED FOREST FIRE FIGHTERS

SUMMARY: This act designates the state forest fire warden as the sole authority who may add supplementary state forest fire control personnel to assist with extinguishing a forest fire in the state. Under prior law, state forest fire control personnel and state forest fire warden-appointed patrol personnel could summon assistance.

The act specifically allows the state forest fire warden to add qualified, temporary emergency workers to the state forest fire control personnel. It also eliminates prior law's (1) authorization to summon any state resident adult under age 50 and (2) provisions that allow state forest fire control personnel to requisition private property for fire-fighting purposes.

The act makes several conforming changes relating to summoned residents, including removing (1) state workers' compensation benefits for those who assisted and (2) fines for those who refused or neglected to assist or to allow use of their property. It extends the same workers' compensation benefits to the temporary emergency workers and requires the Department of Administrative Services to assist the state forest fire warden in developing appropriate classifications for these workers.

The act also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

ADDITIONAL PERSONNEL FOR FIGHTING FOREST FIRES

Prior law authorized state forest fire control personnel and state forest fire warden-appointed patrol personnel to (1) summon any state resident aged between 18 and 50 to assist in extinguishing forest fires and (2) requisition equipment, motor vehicles, and other property for the same purpose. Summoned persons were to be fined up to \$200 if they were physically able but (1) refused or neglected to assist or to allow use of their property or (2) willfully interfered with or hindered certain persons of authority. The act eliminates these provisions.

Under the act, if the state forest fire warden determines that additional personnel are required to extinguish a forest fire in the state, she may add “temporary emergency workers” who meet specified training and qualification requirements to the state forest fire control personnel. These workers must specifically be trained and qualified under the National Incident Management System: Wildland Fire Qualification System Guide published by the National Wildfire Coordinating Group.

BACKGROUND

State Forest Fire Warden

By law, the Department of Energy and Environmental Protection commissioner is the state forest fire warden (CGS § 23-33). The warden’s powers include, among other things, the authority to enter into agreements with federal agencies, cities, boroughs, fire districts, and forest protective associations to prevent and control forest fires. The warden may also employ volunteer fire companies for assisting in fighting forest fires and must establish compensation rates for equipment usage, fire-fighting materials and supplies, and volunteer company firefighter and laborer time (CGS § 23-36).

PA 19-52—sHB 7291

Public Safety and Security Committee

Education Committee

AN ACT CONCERNING SCHOOL SECURITY

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) to (1) update state school security and safety plan standards, (2) simplify certain school security reporting requirements and school security infrastructure grant applications, and (3) develop criteria to identify qualified school security consultants and limit the existing registry to only these individuals. It also adds related duties for the State Department of Education (SDE) and the School Safety Infrastructure Council.

EFFECTIVE DATE: Upon passage, except the requirements concerning the school security consultants registry are effective October 1, 2019.

SCHOOL SECURITY AND SAFETY PLANS

By law, each local and regional board of education (“board”) must develop and implement a school security and safety plan for each school within its district and DESPP, in consultation with SDE, must develop standards for these plans (see BACKGROUND). By January 1, 2020, and every three years thereafter, the act requires DESPP, in consultation with SDE, to reevaluate and update existing standards for these plans. It also requires SDE to distribute the standards to all public schools. Under existing law, DESPP must make the standards available to local officials, including the boards, and submit them annually to the Education and Public Safety and Security committees.

By law, boards must annually submit reports to DESPP on (1) their review, and, if necessary, their update of the school security and safety plans for each school within their districts, and (2) fire drills and crisis response drills in their schools where local law enforcement and other local public safety officials evaluate, score, and provide feedback on the drills. The act requires DESPP to evaluate and seek methods to simplify these board reporting requirements. DESPP must submit a report to the Public Safety and Security Committee by January 1, 2020, identifying the essential report components and indicating how the department will simplify the requirements. DESPP must implement new requirements, based on its findings, by July 1, 2020.

SCHOOL SECURITY INFRASTRUCTURE COMPETITIVE GRANT PROGRAM

By law, boards can apply to DESPP, on behalf of their town or member towns, for funds under a competitive state grant program to improve school security infrastructure (PA 13-3 § 84). Under the act, DESPP and the School Safety Infrastructure Council must evaluate and seek methods to simplify the documentation requirements for these grant applications. Both DESPP and the council must submit a report to the Public Safety and Security Committee by January 1, 2020, identifying the essential application components and indicating how the department will simplify the documentation requirements. Both DESPP and the council must implement new requirements, based on their findings, by July 1, 2020.

SCHOOL SECURITY CONSULTANTS

The act requires DESPP to (1) develop criteria to identify qualified school security consultants operating in the state and (2) limit its existing school security consultants registry to include only these qualified individuals. By law, DESPP must update this registry annually, make it available to the public upon request, and publish it on the department's website.

BACKGROUND

School Security and Safety Plans

The plans must align with DESPP standards, which, among other things, (1) provide an all-hazards approach to handling emergencies at public schools, (2) require involvement of local education and public safety officials, and (3) require the creation of a security and safety committee at each school (CGS § 10-222n).

Related Act

PA 19-184 requires, among other things, that (1) DESPP, in consultation with SDE, revise the school security and safety plan standards by October 1, 2019, to include provisions relating to emergency communication plans and (2) boards revise their school security and safety plans by January 1, 2020, to include similar provisions.

PA 19-108—HB 6376

Public Safety and Security Committee

AN ACT CONCERNING MOTOR VEHICLE INSPECTORS AS PEACE OFFICERS

SUMMARY: This act expands a statutory definition of “peace officer” (see BACKGROUND) to include motor vehicle inspectors in the Department of Motor Vehicles who have received Police Officer Standards and Training Council (POST) certification. Under prior law, motor vehicle inspectors had many, but not all, of the powers and protections afforded to these peace officers.

Under the act, POST-certified motor vehicle inspectors, as peace officers, are specifically allowed to, among other things:

1. be considered peace officers for purposes of the state's Blue Alert system, which can be used to apprehend anyone suspected of killing or seriously injuring a peace officer or locate any officer who is missing (CGS § 29-1k);
2. obtain a motor vehicle's event data recorder pursuant to a search warrant (CGS § 14-164aa); and
3. be considered peace officers subjected to a substantial risk of bodily injury at the scene of first degree arson (CGS § 53a-111).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND*Peace Officers*

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

PA 19-119—sSB 924

Transportation Committee

AN ACT CONCERNING MOTOR VEHICLE REGISTRATION NOTICE, THE INTERNATIONAL REGISTRATION PLAN, CARRIERS, SCHOOL BUSES, THE MEDICAL ADVISORY BOARD, RESERVED PARKING SPACES, AUTONOMOUS VEHICLES AND OTHER MOTOR VEHICLE STATUTES

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[§§ 5, 9 & 19-21 — DRIVER PHYSICAL QUALIFICATION STANDARDS AND SCHOOL TRANSPORTATION SAFETY TRAINING](#)

Aligns the physical qualification standards for public passenger license endorsements and school bus and student transportation vehicle drivers with federal law; makes conforming, technical changes related to those standards as they apply to operating commercial vehicles; and eliminates an obsolete school transportation safety training requirement

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[§ 8 — IGNITION INTERLOCK DEVICES \(IID\)](#)

Provides that the existing penalties for operating a motor vehicle not equipped with a required IID extend to anyone who (1) completes the terms of a license suspension; (2) is eligible for license reinstatement if he or she installs and uses an IID, but fails to install the IID; and (3) operates a motor vehicle

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Modifies certain requirements for operators under the AV pilot program and extends the program's initial reporting deadline

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Modifies the AV task force's leadership and scheduling requirements and delays its reporting deadlines and termination date

§ 1 — DEPARTMENT OF MOTOR VEHICLES (DMV) COMPLIANCE NOTICE

Permits DMV to send a compliance notice instead of a registration renewal application to individuals who are legally prevented from renewing

Under prior law, DMV had to send renewal applications to all motor vehicle registrants at least 30 days before their registrations expired. For registrants who (1) are prohibited under existing law from having their registrations renewed because they have outstanding legal compliance issues or (2) owe fees or fines to DMV, the act authorizes DMV to instead send or transmit a notice detailing the outstanding compliance issues, including the amount of any fines owed, and stating that the registration will not be renewed until the issues are resolved or the fees or fines are paid in full. As is the case under existing law for renewal applications, the DMV commissioner is not required to send or transmit the compliance notice to a registrant by mail if the U.S. Postal Service has determined that mail cannot be delivered to that person at the address in DMV records.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

§ 2 — DUAL VEHICLE PLATES ELIGIBILITY

Makes a technical change related to dual plates

The act makes technical changes, including requiring livery and taxi vehicles to meet passenger vehicle criteria in order to receive a dual vehicle plate, conforming to existing law.

EFFECTIVE DATE: July 1, 2019

§§ 3 & 4 — DISPLAY OF INTERNATIONAL REGISTRATION PLAN (IRP) DOCUMENTS

Adds protections for when IRP documents are displayed on an electronic device

By law, Connecticut is a member of the IRP, which is an interstate compact under which interstate motor carriers can register their vehicles in only one of the states where they operate. The registration fee is then shared proportionately in all the states in which they travel according to the miles they travel in each state.

In conformity with an IRP amendment, the act adds protections for when vehicle registration and other IRP documents are displayed on an electronic device. It specifically allows motor carrier registrants to present those documents electronically on a cell phone or other electronic device, instead of in paper form, to people who are required or authorized to view them in connection with their employment (e.g., law enforcement officers and DMV personnel). Under the act, those viewing cannot examine any other content on the device, and presenting the documents electronically does not give consent for the viewer to do so. Additionally, the act exempts those who are required or authorized to view the documents from liability for any damage to a device provided to them for this purpose.

The act also expands the DMV commissioner's authority to enter into reciprocal agreements for apportioning interstate motor carrier registration fees to include U.S. territories or possessions, conforming to the IRP.

EFFECTIVE DATE: July 1, 2019

§§ 5, 9 & 19-21 — DRIVER PHYSICAL QUALIFICATION STANDARDS AND SCHOOL TRANSPORTATION SAFETY TRAINING

Aligns the physical qualification standards for public passenger license endorsements and school bus and student transportation vehicle drivers with federal law; makes conforming, technical changes related to those standards as they apply to operating commercial vehicles; and eliminates an obsolete school transportation safety training requirement

The act makes minor and technical changes related to certain driver physical qualification standards. It requires the physical qualification standards for people seeking a state-issued public passenger endorsement on their driver's license, and, more specifically, for school bus and student transportation vehicle drivers, to be the same as those under specified federal regulations, conforming to existing law and DMV practice.

Among other things, the act makes conforming, technical changes associated with those standards as they apply to operating commercial vehicles, including eligibility for commercial driver's licenses and commercial driver's instruction permits. The act also eliminates an obsolete requirement that DMV establish physical examination procedures for school bus and student transportation vehicle drivers in regulations.

By law, school bus and student transportation vehicle drivers must successfully complete a safety training course in order to transport school children. The act eliminates an obsolete requirement that this course be administered by the DMV commissioner. Under existing DMV regulations, such safety training must be administered or supervised by instructors approved by the DMV commissioner (Conn Agencies Regs. § 14-276a-1, et seq.).

EFFECTIVE DATE: July 1, 2019

§§ 6 & 7 — CARRIERS TRANSPORTING STUDENTS AND THE SUSPENDED AND REVOKED DRIVER LIST

Eliminates a requirement that DMV ensure that carriers transporting students are reviewing suspended and revoked driver lists and instead requires the carriers to register with DMV the name of the employee or agent reviewing the lists

By law, DMV must periodically provide to school districts and school bus companies (i.e., carriers) a report listing the names and driver's license numbers of each public passenger endorsement holder whose license or endorsement has been suspended or revoked. Under existing law, carriers must review DMV's report at least once during the first and third week of each month.

The act eliminates the requirement that DMV ensure that each carrier is reviewing the report by (1) conducting random compliance audits of carriers to determine if they are reviewing the report, (2) maintaining a record of each time a carrier reviewed the report in the prior two years, and (3) making the record publicly available upon request. Instead it requires carriers to register with DMV on and after October 1, 2019, as the commissioner prescribes. The registration must provide the name of the carrier and the employee or agent responsible for checking the suspended and revoked driver list. If there is a material change to a carrier's registration the carrier must file an amendment with the commissioner within 30 calendar days after it knows, or reasonably should have known, of the change.

Failure to register is subject to a civil penalty of \$1,000 for a first violation and \$2,500 for each subsequent violation, but the DMV commissioner may reduce the penalty with appropriate justification. The same penalties apply under existing law to carriers who fail to review the commissioner's report.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

§ 8 — IGNITION INTERLOCK DEVICES (IID)

Provides that the existing penalties for operating a motor vehicle not equipped with a required IID extend to anyone who (1) completes the terms of a license suspension; (2) is eligible for license reinstatement if he or she installs and uses an IID, but fails to install the IID; and (3) operates a motor vehicle

By law, a person legally required to use an IID is prohibited from, among other things, driving a vehicle that (1) does not have a functioning IID or (2) the court has ordered the person not to operate. The act specifically provides that anyone who completes the terms of a license suspension and is eligible for reinstatement if the person installs and uses an IID, but who fails to do so, is prohibited from operating a vehicle until he or she has installed the device and had their license reinstated by the DMV commissioner. In doing so, the act provides that the existing penalties for operating a motor vehicle not equipped with a required IID extend to individuals who operate a motor vehicle in violation of this provision.

By law, a person who operates a motor vehicle not equipped with a required IID is subject to a \$500 to \$1,000 fine

and imprisonment as follows:

1. for a first violation, up to one year, with a 30-day mandatory minimum;
2. for a second violation, up to two years, with a 120-day mandatory minimum; and
3. for a third violation, up to three years, with a one-year mandatory minimum.

In each case, the court is not required to impose the mandatory minimum sentence if it finds mitigating circumstances and states them in writing (CGS § 14-215(c)). Additionally, each court must report each conviction to the DMV commissioner and the commissioner must suspend, for a year, the driver's license or operating privilege of those reported as convicted.

EFFECTIVE DATE: October 1, 2019

§ 10 — MOTOR VEHICLE OPERATOR'S LICENSE MEDICAL ADVISORY BOARD NOMINATIONS

Eliminates the requirement that the DMV commissioner select board members from a certain nominees list

By law, the Motor Vehicle Operator's License Medical Advisory Board advises the DMV commissioner on the medical aspects and concerns of licensing motor vehicle operators.

The act removes the requirement that the DMV commissioner's board appointments be made from a list of nominees submitted by the Connecticut State Medical Society, Connecticut Association of Optometrists, and other professional medical associations or organizations with physician assistants (PAs) or advanced practice registered nurses (APRNs) as members. It instead allows those organizations to submit nominations for the commissioner's consideration. The act specifically requires board members to be medical professionals, which for this purpose, existing law defines as licensed physicians, PAs, APRNs, or optometrists.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

§§ 11 & 12 — ACCESSIBLE PARKING PENALTIES

Limits the use of cross hatches next to accessible parking to authorized vehicles and increases the underlying fines for illegal use of such parking areas

The act generally restricts use of the cross hatches next to parking reserved for people with disabilities (i.e., accessible parking) to motor vehicles (1) displaying a special license plate or windshield placard and (2) being operated by or carrying as a passenger the person for whom the plate or placard was issued.

The act also raises the fines for violating existing law governing accessible parking from \$150 to \$250 for a first violation and from \$250 to \$500 for a subsequent violation and subjects people who unlawfully use the cross hatches next to such parking to the same penalties. By law, these fines apply unless another penalty or fine is provided (CGS § 14-253a).

Under existing law, a motor vehicle parked illegally in an accessible parking spot may be towed and impounded upon a third or subsequent violation. The act extends this penalty to a motor vehicle illegally using the cross hatch next to an accessible parking spot for a third or subsequent violation.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

§ 13 — CROSSING RAILROAD TRACKS

Extends the prohibition on crossing railroad tracks to include when warned of the approach of other equipment on the tracks

Existing law prohibits people from crossing railroad tracks when warned of an approaching railroad locomotive, car, or train. The act also prohibits crossing when warned of other equipment on the tracks. A violation is an infraction.

The act also makes a technical change.

EFFECTIVE DATE: October 1, 2019

§ 14 — OUT-OF-STATE REGISTRATION TASK FORCE

Establishes a task force to study ways to prevent improper registration of vehicles out-of-state

The act establishes a 12-member task force to study compliance with the state's motor vehicle registration laws. The task force must also develop recommendations to prevent Connecticut residents from registering motor vehicles out-of-state. Under the act, the task force must submit a report with its findings and recommendations to the Transportation Committee by January 1, 2020.

The task force consists of the DMV and Department of Emergency Services and Public Protection commissioners, or their respective designees; two gubernatorial appointments; and eight legislative appointments. The House speaker appoints two members, one of whom is a member of a municipal tax assessors association. The Senate president appoints two members, one of whom is a municipal police chief. The House majority leader appoints a municipal tax assessor and the Senate majority leader appoints a municipal police department member, each of whom must serve a municipality with at least 75,000 residents. The House minority leader appoints a municipal police department member and the Senate minority leader appoints a municipal tax assessor, each of whom must serve a municipality with less than 75,000 residents.

Appointing authorities must make their appointments within 30 days after the act's passage and fill any vacancies. Legislative leaders may appoint legislators.

The act requires the House speaker and the Senate president to select the task force's chairpersons from among its members. The chairpersons must schedule and hold the task force's first meeting within 60 days after the act's passage.

The Transportation Committee's administrative staff serves as task force staff. The task force terminates when it submits its report or January 1, 2020, whichever is later.

EFFECTIVE DATE: Upon passage

§ 15 — MOBILE TELEPHONE AND ELECTRONIC DEVICE USE BY SCHOOL BUS DRIVERS

Permits school bus drivers to have non-emergency communications with school officials and specified medical or emergency professionals while driving under certain conditions

Under existing law, school bus drivers, while driving a bus carrying passengers, may not use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, except to (1) place emergency calls to school officials or (2) use such a telephone to have emergency communications with emergency response operators, hospitals, physicians' offices, health clinics, ambulance companies, fire departments, or police departments (CGS § 14-296aa).

The act additionally allows these drivers to use a hand-held mobile telephone or mobile electronic device in the same manner as a two-way radio for any real-time communication with school officials and those professionals and entities listed above.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

§ 16 — COMMERCIAL VEHICLE SERVICES STUDY

Requires DMV and DAS to jointly study the current system for evaluating motor carriers providing commercial motor vehicle services to state or local governments

The act requires the DMV and Department of Administrative Services (DAS) commissioners to jointly study the current system used to evaluate motor carriers providing, or seeking to provide, the state or a municipality with commercial motor vehicle services and craft recommendations to make the system more efficient. By January 1, 2020, the commissioners must submit a report with the study results to the Transportation Committee.

EFFECTIVE DATE: Upon passage

§ 17 — AUTONOMOUS VEHICLE (AV) PILOT PROGRAM

Modifies certain requirements for operators under the AV pilot program and extends the program's initial reporting deadline

The act eliminates the requirement under the existing AV pilot program that operators be seated in an AV's driver's seat while testing the vehicle. Instead, it specifies that the operator must be physically inside the AV in order to cause the automated driving system to engage. By law, unchanged by the act, the operator must monitor the AV's operation when testing it and also be capable of taking immediate manual control of it.

By law, the Office of Policy and Management secretary must annually report to the Transportation Committee on the pilot program's implementation and progress. The act extends the secretary's initial reporting deadline by 18 months, from January 1, 2019, to July 1, 2020.

EFFECTIVE DATE: Upon passage

§ 18 — AV TASK FORCE

Modifies the AV task force's leadership and scheduling requirements and delays its reporting deadlines and termination date

PA 17-69 created a task force to study AVs and related issues and develop legislative recommendations for regulating these vehicles.

Under prior law, if the task force's chairpersons were not selected by August 26, 2017, or they did not schedule a meeting by that date, any Transportation Committee chairperson was required to schedule the first meeting, act as its chairperson, and schedule any other meetings deemed necessary until (1) the Senate president and the House speaker selected the task force chairpersons and (2) those chairpersons scheduled a meeting. The act eliminates these provisions and instead authorizes any Transportation Committee chairperson to schedule task force meetings, as he or she deems necessary, and act as the task force chairperson until its members elect a chairperson from among its members. It requires that all subsequent meetings be held at the call of the elected chairperson or upon the request of a majority of the members.

The act also extends, by one year, the deadlines for the task force's reports. Under the act, the (1) interim report is due by July 1, 2020, rather than July 1, 2019, and (2) final report is due by January 1, 2021, rather than January 1, 2020. The act makes a conforming change by delaying the task force's termination date by one year, to January 1, 2021.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 19-123—sSB 869

Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE CONNECTICUT AIRPORT AUTHORITY REGARDING NONBUDGETED EXPENDITURES, THE CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND EXEMPT RECORDS UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: This act modifies the Freedom of Information Act (FOIA) by exempting from disclosure public agencies' responses to private entities' requests for proposals (RFPs) or bid solicitations. (Existing law exempts from disclosure responses to public agencies' RFPs or bid solicitations.) As under existing law, the agency's chief executive officer must certify that the public's interest in the response's confidentiality outweighs its interest in the response's disclosure. Such responses are exempt from disclosure only until the applicable contract is executed or contract negotiations have ended, whichever occurs earlier.

The act also transfers the authority to spend funds in the Connecticut airport and aviation account (see BACKGROUND) from the transportation commissioner to the Connecticut Airport Authority (CAA) executive director. As under existing law, spending from the account requires approval from the Office of Policy and Management secretary.

Lastly, the act increases the maximum amount of nonbudgeted emergency expenditures that the CAA board may authorize the executive director to make without prior board approval from \$500,000 to \$1,000,000. As under existing law, the executive director may make such expenditures only (1) to restore operations at any CAA airport that suffers

damage from a natural disaster or incurs a substantial casualty loss that creates unsafe conditions or (2) when failing to act would disrupt airport operations. Within 24 hours of making a nonbudgeted expenditure, the executive director must notify the board chairperson or vice chairperson of the expenditure's amount and purpose.

EFFECTIVE DATE: Upon passage, except that the FOIA provision is effective October 1, 2019.

BACKGROUND

Connecticut Airport and Aviation Account

By law, the revenue services commissioner must deposit into the account 75.3% of petroleum products gross earnings tax (PGET) revenue from aviation fuel sources (equivalent to 6.1% of aviation fuel sales), regardless of a law requiring that all PGET revenue be deposited in the Special Transportation Fund (STF). (By law, sales of most petroleum products, including aviation fuel, are subject to the 8.1% PGET (CGS § 12-587).) The remaining 24.7% of PGET revenue from aviation fuel (equivalent to 2% of aviation sales) is deposited in the STF.

Under federal law, recipients of federal airport funding must use all airport revenue exclusively for airport-related purposes (49 U.S.C. § 47107(b)). Federal Aviation Administration (FAA) policy guidance clarifies that state revenue derived from taxes on aviation fuel is considered "airport revenue," even if those taxes are of general applicability, and is therefore subject to such that restriction (79 FR § 66282). However, the restriction does not apply to revenue from a tax or a portion of a tax that was in effect when the federal law took effect (i.e., December 30, 1987). On December 30, 1987, the PGET rate was 2%.

PA 19-140—sHB 6588

Transportation Committee

AN ACT CONCERNING THE ISSUANCE OF PARKING CITATIONS BY INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE SECONDARY SCHOOLS

SUMMARY: This act allows independent higher education institutions and private high schools to issue parking citations imposing monetary sanctions to owners of vehicles parked on their property, including by written warning, posted signs, or other means. Existing law, unchanged by the act, prohibits all other private property owners and lessees, or their agents, from issuing these parking citations.

By law, an independent higher education institution is a private nonprofit institution established in Connecticut that (1) has degree-granting authority and its main campus located in the state, (2) is not included in Connecticut's public higher education system, and (3) does not primarily prepare students for religious vocation (CGS § 10a-173(a)).

EFFECTIVE DATE: Upon passage

PA 19-161—sHB 7140

Transportation Committee

AN ACT CONCERNING THE OPERATION LIFESAVER PROGRAM, TRANSPORTATION NETWORK COMPANIES, PUBLIC ELECTRIC VEHICLE CHARGING STATIONS, THE USE OF COLORED AND FLASHING LIGHTS, ROAD AND BRIDGE DESIGNATIONS, THE ISSUANCE OF REMOVABLE WINDSHIELD PLACARDS, SNOW REMOVAL SERVICES CONTRACTS, REPORTS BY THE DEPARTMENT OF TRANSPORTATION AND OTHER TRANSPORTATION STATUTES

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[§ 1 — OPERATION LIFESAVER PROGRAM](#)

Modifies the Operation Lifesaver Program, including (1) transferring responsibility for the program's operation to DOT, (2) allowing DOT to hire a nonprofit contractor to operate the program, and (3) modifying the membership of the Operation Lifesaver Committee

§§ 2, 6 & 7—TECHNICAL CHANGES

Makes technical changes, including eliminating an obsolete provision

§§ 3 & 11 — TRANSPORTATION NETWORK COMPANIES (TNC)

Requires that (1) TNC drivers hold a Connecticut driver's license or one from a "reciprocal state" and (2) any illuminated TNC decals be displayed on the passenger side of the vehicle

§ 4 — MULTIUSE TRAIL STUDY

Requires DOT to identify a route for a multiuse trail connecting Middletown to Cheshire and report related information to the Transportation Committee

§ 5 — EXEMPTION FOR VEHICLES IN THE CUSTODY OF OFFICERS

Specifies that officers are exempt from paying parking meters while performing their duties

§ 8 — COMMUTER RAIL PARKING GARAGE PLAN

Requires the DOT commissioner to develop a plan to modernize commuter rail station parking garages in Bridgeport, New Haven, and Stamford and report to the Transportation Committee by January 1, 2021

§ 9 — PARKING IN ELECTRIC VEHICLE CHARGING STATIONS

Makes it an infraction for non-electric vehicles to park at public electric vehicle charging stations

§ 10 — FLASHING AND COLORED LIGHTS

Limits the use of steady red and blue lights to police officers and DMV inspectors; allows DOT maintenance vehicles to use steady or flashing green lights

§ 12 — INVENTORY OF DOT-CONTROLLED PARCELS IN NEW HAVEN

Requires DOT to submit an inventory of certain DOT-controlled parcels in New Haven and indicate when it plans to return the parcels to the city's control

§ 13 — POSITIVE TRAIN CONTROL REPORTS

Requires DOT to submit quarterly reports to the Transportation Committee on progress made in implementing positive train control

§§ 14-30, 34 & 35 — BRIDGE AND ROAD NAMING

Names various roads and bridges

§§ 31-33 — SIGN INSTALLATION

Requires DOT to install signs at specified locations

§ 36 — DEALER TRADE-IN FEE

Specifies that the law does not prohibit a new or used car dealer from seeking remuneration for state vehicle trade-in fees

§ 37 — ACCESSIBLE PARKING PLACARD FOR CHILDREN WITH DISABILITIES

Requires DMV to issue an accessible parking placard to each parent or guardian of an eligible child, up to two per child

§ 38 — SNOW REMOVAL AND ICE CONTROL CONTRACTS

Makes void as a matter of public policy certain indemnification requirements in certain snow removal and ice control services contracts

§ 39 — DOCUMENT ENVELOPES FOR INDIVIDUALS WITH AUTISM SPECTRUM DISORDER

Requires DMV to design envelopes that (1) hold driving documents and (2) provide information on effective communication between police officers and people with autism spectrum disorder

§ 40-43 — REPORT CHANGES

Extends deadlines on certain DOT reports and requires the Connecticut Airport Authority to conduct a study on safety hazards related to structure height

§ 1 — OPERATION LIFESAVER PROGRAM

Modifies the Operation Lifesaver Program, including (1) transferring responsibility for the program's operation to DOT, (2) allowing DOT to hire a nonprofit contractor to operate the program, and (3) modifying the membership of the Operation Lifesaver Committee

Transfer of Program Operation

Existing law establishes an Operation Lifesaver Program to reduce the number of accidents at railroad crossings and increase public awareness of railroad crossing hazards. The act transfers responsibility for the program's operation from the Operation Lifesaver Committee to the Department of Transportation (DOT).

In doing so, the act transfers to DOT the committee's prior program responsibilities, including educating the public on how to reduce accidents, deaths, and injuries at railroad crossings and encouraging the development of engineering and safety improvements. The act additionally requires the commissioner to (1) ensure that the Operation Lifesaver Committee guides and promotes the program locally and (2) adhere to the program's goals and objectives.

Nonprofit Operator

To operate the program, the act allows the DOT commissioner to contract with any national nonprofit organization that is dedicated to increasing public safety and providing education related to railroad crossings. If he does so, the commissioner must require the organization to submit an annual report to the Operation Lifesaver Committee on the program's status and any recommendations for additional goals or objectives.

Operation Lifesaver Committee

The act reduces, from eight to three, the Operation Lifesaver Committee's membership. It does so by removing the six legislative appointees from the committee and adding the Department of Motor Vehicles (DMV) commissioner or her designee. It retains as committee members the DOT and Department of Emergency Services and Public Protection commissioners, or their designees. The DOT commissioner or his designee continues to serve as the committee's chairperson.

The act eliminates the requirements that the committee (1) make recommendations to the legislature to implement its purpose and (2) annually review its progress and submit findings and recommendations to the Transportation Committee.

Grants

The act allows the DOT commissioner, within available federal resources, to administer grants and other funds to public and private schools to help them establish and operate an Operation Lifesaver training program. To do this, he may apply for and receive grants, gifts, and other funds from any person, political subdivision, or other governmental or private entity, including the federal government or any of its agencies.

EFFECTIVE DATE: Upon passage

§§ 2, 6 & 7 — TECHNICAL CHANGES

Makes technical changes, including eliminating an obsolete provision

The act makes technical changes, including eliminating an obsolete provision that waived certain oversize truck permit fee increases in FY 17.

EFFECTIVE DATE: Upon passage

§§ 3 & 11 — TRANSPORTATION NETWORK COMPANIES (TNC)

Requires that (1) TNC drivers hold a Connecticut driver's license or one from a "reciprocal state" and (2) any illuminated TNC decals be displayed on the passenger side of the vehicle

Driver Qualifications (§ 3)

The act requires that TNC (e.g., Uber and Lyft) drivers in Connecticut hold either a Connecticut driver's license or a driver's license from a "reciprocal state," instead of a driver's license from any jurisdiction as under prior law.

Under the act, a "reciprocal state" is one that allows TNC drivers who hold Connecticut driver's licenses to provide rides that originate in that state.

Illuminated Decals (§ 11)

Existing law requires TNC drivers to display a removable decal at all times when the driver is connected to the company's digital network or providing a ride. The decal must be (1) issued by the TNC; (2) large enough to be read from 50 feet away during the daytime; and (3) reflective, illuminated, or otherwise visible in darkness. The act additionally requires that any illuminated decal be displayed on the passenger side of the vehicle.

EFFECTIVE DATE: October 1, 2019

§ 4 — MULTIUSE TRAIL STUDY

Requires DOT to identify a route for a multiuse trail connecting Middletown to Cheshire and report related information to the Transportation Committee

The act requires the DOT commissioner, in consultation with the Department of Energy and Environmental Protection (DEEP) and the Lower Connecticut River Valley Council of Governments, to complete and submit to the Transportation Committee a report that does the following:

1. identifies a possible route for a multiuse trail to connect the Arrigoni Bridge in Middletown to the Farmington Canal Trail in Cheshire via Meriden and the commuter rail station in Meriden;
2. recommends phases for the trail's construction and estimates each phase's costs; and
3. summarizes any public comments DOT, DEEP, or the Lower Connecticut River Valley Council of Governments receive about the report or the trail's possible route.

EFFECTIVE DATE: Upon passage

§ 5 — EXEMPTION FOR VEHICLES IN THE CUSTODY OF OFFICERS

Specifies that officers are exempt from paying parking meters while performing their duties

Existing law exempts motor vehicles in the custody of officers from local traffic regulations and state motor vehicle laws while performing their duties, as long as the exemption is necessary to enforce state laws. The act specifies that the exemption includes regulations on paying parking meters.

By law, an "officer" includes any constable, state marshal, motor vehicle inspector, state policeman, or other official authorized to make arrests or to serve process.

EFFECTIVE DATE: October 1, 2019

§ 8 — COMMUTER RAIL PARKING GARAGE PLAN

Requires the DOT commissioner to develop a plan to modernize commuter rail station parking garages in Bridgeport, New Haven, and Stamford and report to the Transportation Committee by January 1, 2021

By January 1, 2021, the act requires the DOT commissioner to submit to the Transportation Committee a plan on modernizing parking garages at commuter rail stations in Bridgeport, New Haven, and Stamford.

In developing the plan, the commissioner must address the following:

1. traffic flow inside and outside the garages;
2. access to other forms of transportation at the garages, including public and private bus and shuttle services;
3. integration with any plan adopted by the municipality in which the garage is located;
4. whether interlocal agreements must be executed to modernize the parking garages;
5. pedestrian access and safety;
6. needs created by current and anticipated use of the garages by all vehicle types and pedestrians;
7. ways to incorporate new technology at the garages; and
8. ways to maximize open space around the garages.

EFFECTIVE DATE: Upon passage

§ 9 — PARKING IN ELECTRIC VEHICLE CHARGING STATIONS

Makes it an infraction for non-electric vehicles to park at public electric vehicle charging stations

Existing law prohibits drivers of non-electric vehicles from parking in a spot equipped with a public electric vehicle charging station. The act makes doing so an infraction (see [Table on Penalties](#)).

EFFECTIVE DATE: October 1, 2019

§ 10 — FLASHING AND COLORED LIGHTS

Limits the use of steady red and blue lights to police officers and DMV inspectors; allows DOT maintenance vehicles to use steady or flashing green lights

State law restricts the color of lights that may be displayed on vehicles and generally prohibits using flashing lights on motor vehicles and equipment except under specified circumstances.

Steady Red and Blue Lights

The act restricts the use of steady red, blue, or red and blue lights, visible from a vehicle's front, to police officers or DMV inspectors who are operating a state or local police vehicle.

Under prior law, emergency vehicles and certain first responders (see table below) could obtain a permit to use steady or flashing red lights or steady or flashing blue lights under certain circumstances (e.g., responding to an emergency). Under the act, such vehicles may use those lights only if they are flashing.

First Responders Eligible for Steady Red or Blue Lights Under Prior Law

<i>Red Lights</i>	<i>Blue Lights</i>
Paid fire chiefs and their deputies and assistants	Active members of a volunteer fire department or company
Volunteer fire chiefs and their deputies and assistants	
Members of the fire police on a stationary vehicle as a warning signal during traffic directing operations	Active members of an organized civil preparedness auxiliary fire company
Chief executive officers of emergency medical services organizations or their first or second deputies or assistants	
Local fire marshals	
Directors of emergency management	

By law, “emergency vehicle” includes any vehicle operated by a (1) member of an emergency medical service organization responding to an emergency call, (2) fire department or any officer of a fire department responding to a fire or other emergency, or (3) police officer. It also includes maintenance vehicles and wreckers.

DOT Maintenance Vehicles

Existing law allows maintenance vehicles to use yellow and amber steady or flashing lights. The act allows DOT-owned and -operated maintenance vehicles to also use steady or flashing green lights, and any combination of green, yellow, or amber lights.

EFFECTIVE DATE: October 1, 2019

§ 12 — INVENTORY OF DOT-CONTROLLED PARCELS IN NEW HAVEN

Requires DOT to submit an inventory of certain DOT-controlled parcels in New Haven and indicate when it plans to return the parcels to the city’s control

By January 1, 2020, the act requires DOT to submit to the Transportation Committee an (1) inventory of parcels in New Haven that are under DOT control in connection with the I-95 New Haven Harbor Crossing Corridor Improvement Program and (2) indication of when it intends to return the parcels to the city’s control. Under the act, the inventory must exclude the parcel of land identified as Lot 900 in Block 954 of New Haven’s Tax Assessor’s Map 78.

EFFECTIVE DATE: Upon passage

§ 13 — POSITIVE TRAIN CONTROL REPORTS

Requires DOT to submit quarterly reports to the Transportation Committee on progress made in implementing positive train control

The act requires DOT to submit to the Transportation Committee quarterly reports, beginning by August 15, 2019, on the progress made to implement positive train control (PTC) systems on passenger rail lines. It must continue the reports until PTC systems are implemented and operational on passenger rail lines state-wide.

PTC systems are technologies designed to automatically stop a train before certain accidents related to human error occur. Under federal law, PTC systems had to be installed on all passenger rail lines by December 31, 2018; rail lines that qualified for an alternative schedule, including Metro North, must fulfill the requirement as soon as possible, but no later than December 31, 2020.

EFFECTIVE DATE: Upon passage

§§ 14-30, 34 & 35 — BRIDGE AND ROAD NAMING

Names various roads and bridges

The act names 10 state highway segments and 9 state highway bridges as follows:

1. Route 97 in Scotland from the northerly intersection with Route 14 to the intersection with U.S. Route 6, the “Conservation Officer James V. Spignesi, Jr. Memorial Highway” (§ 14);
2. Route 63 in Woodbridge from the intersection of Burnt Swamp Road northerly to Route 67, the “PFC Eric D. Soufrine Memorial Highway” (§ 15);
3. Bridge 04321 on Route 69 passing over I-84 eastbound and westbound in Waterbury, the “Thomas Conway Memorial Bridge” (§ 16);
4. Route 305 in Windsor eastward from the I-91 southbound ramps to the I-91 northbound ramps, the “Windsor Volunteer Firefighter Overpass” (§ 17);
5. Bridge 01237 on Prospect Street passing over I-84 eastbound and westbound in Plantsville, the “U.S. Army SPC4 William A. Beard Memorial Bridge” (§ 18);
6. Route 615 in Colchester from the intersection of Wall Street eastward and continuing southward onto Route 85 to its access point with Route 2 westbound, the “Colchester Hayward Volunteer Fire Company Highway” (§ 19);
7. U.S. Route 1 in Norwalk from the Darien-Norwalk town line northward to the intersection of Keeler Avenue, the “Trooper First Class Walter Greene Memorial Highway” (§ 20);
8. Bridge 05687 on U.S. Route 44 passing over I-84 and the ramps for I-291 and I-384, the “PFC Michael Sokola Memorial Bridge” (§ 21);
9. Bridge 01732 on Route 118 passing over Route 8 in Harwinton, the “State Rep. Joseph Mascetti Memorial Bridge” (§ 22);
10. Bridge 06290 on Route 3 passing I-91 in Wethersfield, the “Rocco V. Laraia, Jr. Memorial Bridge” (§ 23);
11. Bridge 03575 on Hillstown Road passing over I-384 in Manchester, the “Captain Leo Godreau Memorial Bridge” (§ 24);
12. Pedestrian Bridge 05654 passing over the I-84 eastbound off-ramp and the I-84 westbound on-ramp in Hartford, the “Lt. Col. William A. Oefinger Memorial Bridge” (§ 25);
13. Special Service Road 476 in Westport from the northbound I-95 access ramp to the southbound I-95 access ramp, the “Rachel Doran Memorial Highway” (§ 26);
14. Bridge 01117 on State Road 846 passing over the Naugatuck River in Waterbury, the “Samuel K. Beamon, Sr. Memorial Bridge” (§ 27);
15. Bridge 00023 on I-95 passing over West Avenue in Stamford, the “William S. ‘Bill’ Callion, Jr. Memorial Bridge” (§ 28);
16. Special Service Road 700 in Bridgeport from Water Street westward to the merge with Connecticut Route 130, the “Rep. Ezequiel Santiago Memorial Highway” (§ 29);
17. Route 117 in Groton, from the intersection with U.S. Route 1 northward to I-95 southbound, the “Joseph ‘Jo Jo Nice’ Gingerella Memorial Highway” (§ 30);
18. Route 372 in Berlin from the intersection of Route 71 to the intersection of Burnham Street, the “Mary Aresimowicz Memorial Highway” (§ 34); and
19. Route 10 in Avon from the Avon-Farmington town line to the intersection with U.S. Route 44, the “Avon Volunteer Fire Dept. Memorial Highway” (§ 35).

EFFECTIVE DATE: Upon passage

§§ 31-33 — SIGN INSTALLATION

Requires DOT to install signs at specified locations

The act requires DOT to install the following signs:

1. signs for Veterans Memorial Park, the Connecticut Trees of Honor Memorial, and the Greater Middletown Military Museum in Middletown on Route 66 at Old Mill Road, Route 217 at Westfield Street, and Route 3 at Fisher Road (§ 31);
2. signs for the Great Meadow Salt Marsh near I-95 in Stratford (§ 32); and
3. signs for the Strong Family Farm, the Arts Center East, the Vernon Historical Society, and the New England Civil War Museum in Vernon (§ 33).

EFFECTIVE DATE: Upon passage

§ 36 — DEALER TRADE-IN FEE

Specifies that the law does not prohibit a new or used car dealer from seeking remuneration for state vehicle trade-in fees

By law, new and used car dealers must pay to DMV a fee for each trade-in they process in conjunction with the sale of a new or used car. (PA 19-117, § 361, increases the trade-in fee from \$35 to \$100, effective October 1, 2019.)

The act specifies that the law does not prohibit a new or used car dealer from seeking remuneration for the trade-in fee.

EFFECTIVE DATE: October 1, 2019

§ 37 — ACCESSIBLE PARKING PLACARD FOR CHILDREN WITH DISABILITIES

Requires DMV to issue an accessible parking placard to each parent or guardian of an eligible child, up to two per child

The law allows a parent or guardian of a child younger than age 18 with a disability to apply for an accessible parking windshield placard on the child's behalf. The act specifies that DMV must issue a placard to each parent or guardian who applies, except that it cannot issue more than two placards on behalf of an eligible child.

EFFECTIVE DATE: October 1, 2019

§ 38 — SNOW REMOVAL AND ICE CONTROL CONTRACTS

Makes void as a matter of public policy certain indemnification requirements in certain snow removal and ice control services contracts

The act makes void as a matter of public policy certain indemnification requirements in contracts or agreements to (1) plow, shovel, or remove snow or ice; (2) provide de-icing services; or (3) perform an incidental service, such as operating or moving related equipment or materials ("snow removal and ice control services contracts").

Under the act, provisions, clauses, covenants, or agreements in, or related to, these contracts are invalid if they require, or have the effect of requiring, a snow removal or ice control service provider to:

1. indemnify (i.e., protect from liability) the service recipient for acts that the provider is not required to perform or is instructed not to perform under the contract or
2. hold a service recipient harmless from liability for damages due to the recipient's acts or omissions, or those of his or her agents or employees.

The act's provisions apply to a snow, ice, or other mixed-precipitation event or risk that the service providers are prohibited from mitigating. They do not apply to snow removal and ice control contracts for work on municipal or state-owned roads or property.

EFFECTIVE DATE: July 1, 2019, and applicable to contracts entered into on and after that date.

§ 39 — DOCUMENT ENVELOPES FOR INDIVIDUALS WITH AUTISM SPECTRUM DISORDER

Requires DMV to design envelopes that (1) hold driving documents and (2) provide information on effective communication between police officers and people with autism spectrum disorder

The act requires the DMV commissioner to design and make available blue envelopes that (1) can hold a person's driver's license, registration, and insurance card and (2) provide, on the outside of the envelope, information and guidance on ways to enhance effective communication between police officers and individuals with autism spectrum disorder. She must do so in consultation with the Connecticut Police Chiefs Association and at least one autism spectrum disorder advocacy organization.

Beginning January 1, 2020, DMV must provide an envelope upon request by a person with autism spectrum disorder or, if the person is a minor, his or her parent or guardian.

EFFECTIVE DATE: Upon passage

§ 40-43 — REPORT CHANGES

Extends deadlines on certain DOT reports and requires the Connecticut Airport Authority to conduct a study on safety hazards related to structure height

The act extends certain DOT reporting deadlines as follows:

1. from January 1, 2015, to October 1, 2020, for a study of challenges to enter and exit at Rentschler Field in East Hartford that may result from the state-certified industrial reinvestment project authorized in the Aerospace Reinvestment Act (§ 40);
2. from January 1, 2019, to December 1, 2020, for a study on the feasibility of constructing a tunnel from Greenwich to Bridgeport (§ 41); and
3. from January 1, 2019, to December 1, 2020, for a study on how to implement and fund a level of service from taxis and TNCs to individuals with disabilities that is substantially equivalent to the level of service provided to other members of the public (§ 42).

The act also requires the Connecticut Airport Authority to conduct a study on safety hazards related to the height of structures near general aviation airports. The authority's executive director must report the study's findings to the Transportation Committee by January 1, 2021. Prior law required DOT to conduct a similar study in 2001 (§ 43).

EFFECTIVE DATE: Upon passage

PA 19-162—sHB 7141

Transportation Committee

AN ACT REGULATING ELECTRIC FOOT SCOOTERS

SUMMARY: This act defines “electric foot scooters” (e-scooters) and generally gives e-scooter riders the same rights, privileges, and duties that existing law provides for bicycle riders. The act also (1) generally allows municipalities to regulate e-scooters, to the extent that state law does not conflict with such regulations, and (2) requires the Office of the State Traffic Administration's (OSTA) regulations to cover e-scooter operation on highways and roads under its jurisdiction.

The act also expands the state's vulnerable user law to (1) cover instances when a driver causes “substantial bodily harm” to a vulnerable user and (2) make e-scooter riders vulnerable users under the law.

Lastly, the act (1) requires e-scooter riders under age 16 to wear helmets; (2) expands the acceptable helmet standards for bicyclists, electric bicycle (e-bikes) riders, and others; and (3) makes numerous technical and conforming changes related to e-scooters and e-bikes.

EFFECTIVE DATE: October 1, 2019

E-SCOOTER DEFINITION

The act defines “electric foot scooter” as a device that:

1. weighs 75 pounds or less;
2. has two or three wheels, handlebars, and a floorboard that can be stood on while riding;
3. is both electric motor- and human-powered; and
4. has a maximum speed of 20 miles per hour or less, with or without human propulsion on a paved level surface.

STATE AND LOCAL REGULATION OF E-SCOOTERS

The act generally authorizes OSTA to regulate e-scooters within its jurisdiction (i.e., on state highways and roads on state-owned property). The office has this authority with respect to bicycles and e-bikes.

By law, OSTA must adopt regulations governing highways and roads in its jurisdiction, including the operation of motor vehicles and bicycles. The act additionally requires these regulations to cover e-scooter operation.

Existing law authorizes municipalities to regulate bicycles, as long as their ordinances do not conflict with state laws or regulations. The act extends this authority to allow municipalities to regulate e-scooters. Thus, among other things, municipalities can adopt ordinances requiring annual licensing of e-scooters or registration of e-scooter sales and ownership changes.

PARKING E-SCOOTERS

The act allows a person to park an e-scooter on any sidewalk, as long as (1) it is parked in a manner that does not impede the reasonable movement of pedestrians or other sidewalk traffic and (2) doing so is not prohibited by a municipal ordinance or OSTA regulation.

CONFORMING CHANGES TO TREAT E-SCOOTERS LIKE BICYCLES

The act makes conforming changes to treat e-scooters like bicycles and e-bikes. Among other things, it:

1. exempts e-scooters from emissions inspections;
2. requires e-scooter riders to comply with driving laws applicable to bicycles (e.g., signaling before turning);
3. requires motor vehicle operators to treat e-scooters like bicycles (e.g., when passing);
4. imposes a 100% surcharge on fines for certain moving violations involving a motor vehicle and an e-scooter;
5. prohibits parents and guardians from authorizing or knowingly permitting their wards to violate state laws or local ordinances on e-scooters; and
6. makes it an infraction not to equip e-scooters with lights and reflectors.

HELMET REQUIREMENTS

E-Scooter Helmet Requirements

Under existing law, helmets must generally be worn by (1) e-bike riders and passengers and (2) anyone under age 16 who rides a bicycle, non-motorized scooter, or skateboard or who wears in-line or roller skates.

The act additionally requires e-scooter riders under age 16 to wear helmets. It also requires the Department of Consumer Protection to post on its website material concerning the dangers of riding an e-bike or e-scooter without a helmet and promoting the use of helmets while riding them, which it must do under existing law for bicycles, skateboards, and roller and in-line skates.

Helmet Standards

The act expands the acceptable helmet standards by requiring anyone who must wear a helmet to wear one that conforms to specifications established by the American National Standards Institute (ANSI), the United States Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials (ASTM), or the Snell Foundations' Standard for Protective Headgear for Use in Bicycling. Under prior law, (1) helmets worn by e-bike riders and passengers had to meet the standards set by CPSC or ASTM and (2) other helmets had to meet the standards set by ANSI or the Snell Foundation. The act requires businesses that rent e-scooters to provide helmets to renters that meet the applicable standards, as they are required to do under existing law for bicycle rentals.

Finally, the act makes a corresponding change by extending the sales tax exemption for bicycle helmets to include helmets that conform to CPSC or ASTM standards. By law, unchanged by the act, the exemption applies to helmets that meet standards set by ANSI and the Snell Foundation.

VULNERABLE USER LAW

Under existing law, a driver faces a penalty of up to \$1,000 if he or she fails to exercise reasonable care and causes the serious physical injury or death of a vulnerable user (e.g., pedestrian, bicyclist, or highway worker) who was exercising reasonable care. The act additionally applies the penalty when such drivers cause "substantial bodily harm" to a vulnerable user.

The act defines "substantial bodily harm" as bodily injury that (1) involves a temporary but substantial disfigurement, (2) causes a temporary but substantial loss or impairment of a body part's or organ's function, or (3) causes the fracture of any body part. It also specifies that "serious physical injury" has the same meaning as it does under the penal code (i.e., a physical injury that creates a substantial risk of death, or that causes serious disfigurement, serious impairment of health, or serious loss or impairment of an organ's function).

PA 19-165—sHB 7201
Transportation Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE CONVENIENCE OF ACQUIRING MOTOR VEHICLE LICENSES AND REGISTRATIONS

SUMMARY: This act makes several changes related to acquiring and renewing driver’s licenses, identity (ID) cards, and vehicle registrations. Principally, it:

1. authorizes the Department of Motor Vehicles commissioner to renew (a) driver’s licenses and ID cards for any period, up to eight years, and (b) most vehicle registrations for two or three years;
2. increases the initial term of driver’s licenses and ID cards from six years to seven years; and
3. eliminates the authority of the commissioner to issue driver’s licenses and ID cards without the personal appearance of the holder.

The act sets fees for the extended initial term and renewal periods that are generally proportionate to their respective fees under prior law. It also makes several conforming changes to account for the modifications to the commissioner’s authority and the extended renewal period options.

Lastly, the act eliminates obsolete provisions and makes technical changes.

EFFECTIVE DATE: January 1, 2020

DRIVER’S LICENSES AND IDENTITY CARDS

Under prior law, the initial terms of driver’s licenses and ID cards were six years and they, generally, had to be renewed every six years. Under the act, their initial terms are raised to seven years and they may be renewed for a period determined by the commissioner, up to eight years. As under existing law, people age 65 or older may, alternatively, renew their licenses for only two years.

Additionally, the act modifies the expiration date of an original ID card to base it on the applicant’s birthdate, as is already the case under existing law with driver’s licenses, rather than on the date an ID card was issued.

The act sets the fee for an initial seven-year license at \$84 and for an eight-year license renewal at \$96, which are proportionate to the prior \$72 fee for an initial or renewed six-year license (i.e., \$12 per year). The fee for a two-year license renewal by people age 65 or older remains \$24. The act raises the fee for an original ID card from \$22.50 to \$28 and establishes a proportionate \$32 fee for an eight-year renewal. The act requires the commissioner to charge a prorated amount for driver’s licenses and ID cards that are renewed for periods less than eight years.

Also, the act requires payment of the fee for an original ID card to be made at the time of application, rather than upon the issuance of the card.

VEHICLE REGISTRATIONS

Under prior law, vehicle registrations had to be renewed every two years, unless another time period was specified by law. Under the act, the commissioner may, generally, renew most vehicle registrations for either two or three years. As under existing law, people age 65 or older may, alternatively, renew their passenger motor vehicle registrations for only one year.

The act sets fees for three-year renewals that are proportionate to fees for their respective two-year renewals, as shown in the table below. By law, unchanged by the act, the fee for a one-year passenger motor vehicle renewal by people age 65 or older is \$40. Under the act and existing law, the commissioner may establish schedules that stagger these renewals and prorate the fees.

Two- and Three-Year Vehicle Registration Fees

<i>Vehicle Type</i>	<i>Two-Year Registration Fee (unchanged by the act)</i>	<i>Three-Year Registration Fee (under the act)</i>
Passenger Motor Vehicle	\$ 80.00	\$ 120.00
Antique, Rare, or Special Interest Motor Vehicle	80.00	120.00

Two- and Three-Year Vehicle Registration Fees (continued)

<i>Vehicle Type</i>	<i>Two-Year Registration Fee (unchanged by the act)</i>	<i>Three-Year Registration Fee (under the act)</i>
Motorcycle	42.00	63.00
Commercial Motorcycle with Attached Side Car or Box	60.00	90.00
Commercial Passenger Motor Vehicle	88.00	132.00
Electric Motor Vehicle	38.00	57.00
Camping or Recreational Trailer	19.00	28.50
Farming Motor Vehicle	30.00	45.00
Camper	75.00	112.50
Snowmobile or All-Terrain Vehicle	20.00	30.00

Among the act's conforming changes, it adjusts other registration-related fees to account for the extended renewal period options. This includes setting the Clean Air Act and Passport to the Parks fees for a three-year registration at \$15 each, which is proportionate to the prior \$10 fees for two-year registrations.

The act also modifies the refund structure for the early cancelation of vehicle registrations to account for three-year registrations. Under existing law, unchanged by the act, the commissioner must refund one-half of the registration fee for any motor vehicle if the registrant cancels his or her registration with one year or more remaining on his or her two-year registration. Under the act, for three-year registrations, the commissioner must (1) refund two-thirds of the vehicle's registration fee if its registration is canceled with two years or more remaining before its expiration, and (2) refund one-third of the fee if its registration is canceled with at least one year, but not more than two years, remaining before its expiration.

PA 19-33—SB 861

Veterans' Affairs Committee

AN ACT CONCERNING THE DEFINITION OF "SERVICE IN TIME OF WAR" AND STATE RESIDENCY REQUIREMENTS FOR CERTAIN VETERANS' SERVICES

SUMMARY: This act extends certain state war service benefits to veterans who served less than 90 days in a period of war (see BACKGROUND) because they incurred or aggravated an injury in the line of duty that is not a service-connected disability rated by the U.S. Department of Veterans Affairs (U.S. VA).

The act also removes prior law's two-year state residency eligibility requirement for certain state benefits (e.g., hospital care and funeral expenses) for veterans who did not reside in Connecticut at the time of their enlistment or induction into the armed forces.

It also makes technical, minor, and conforming changes.

EFFECTIVE DATE: October 1, 2019

STATE VETERANS' BENEFITS

Injury Incurred or Aggravated in the Line of Duty

The act extends certain state war service benefits to veterans who served less than 90 days in a war, but were separated from service because of an injury incurred or aggravated in the line of duty, even if the injury was not a service-connected disability rated by the U.S. VA, as prior law required in such circumstances. For eligible veterans (some benefits also accrue to eligible spouses and dependent children), such benefits include, among other things:

1. certain property tax exemptions (minimum of \$1,500);
2. tuition waivers for the state's public colleges and universities;
3. civil service exam bonus points;
4. Connecticut Airport Authority set-aside of at least 30% of projects and contracts;
5. state employee hazardous duty retirement credit;
6. vesting service and special service credit for the state employee retirement system (SERS);
7. status as a "veteran" under the state personnel act;
8. temporary aid from the Soldiers, Sailors and Marines Fund;
9. special license plate and parking privileges of disabled veterans;
10. veterans' service ribbons and medals; and
11. funeral honor guards.

Presumably, such veterans are already eligible for benefits that require wartime service but do not specify service duration (e.g., honorary high school diploma (CGS § 10-221a(i)) and the Veterans Affairs commissioner's discretionary temporary assistance (CGS § 27-125)).

Removal of the Two-Year Residency Requirement

The act removes prior law's two-year state residency requirement for veterans who were not Connecticut residents at the time of enlistment or induction into the armed forces for eligibility for certain benefits, including, among other things:

1. admission into any hospital, upon the Veterans Affairs commissioner's request, at the state's expense unless other means of payment are available;
2. admission to the veterans residential services facility or healthcare center;
3. \$1,800 toward funeral expenses or cremation for certain indigent veterans;
4. cost of transportation and erection or installation of a grave headstone; and
5. temporary financial assistance at the commissioner's discretion.

BACKGROUND

War Time Service

The table below summarizes the dates and service conditions that constitute "service in time of war" for purposes of state veterans' benefits.

Post-1940 "Service in Time of War"

Operation	Period of War	Service Condition
World War II	12/07/41-12/31/46*	Active service during the war
Korean War	06/27/50-01/31/55	Active service during the war
Lebanon Conflict	07/01/58-11/01/58 or 09/29/82-03/30/84	Combat or combat-support role in Lebanon
Vietnam Era	02/28/61-07/01/75	Active service during the war
Grenada invasion	10/25/83-12/15/83	Combat or combat-support role in Grenada required
Operation Earnest Will (escort of Kuwaiti tankers flying U.S. flag in Persian Gulf)	07/24/87-08/01/90	Combat or combat-support role required in the operation
Panama invasion	12/20/89-01/31/90	Combat or combat-support role required in the invasion
Persian Gulf War	08/02/90 until a future date prescribed by the president or law	Active-service anywhere during the war (not necessarily in the Persian Gulf or in a combat role)

*The ending date specified in CGS § 12-86 for property tax exemptions is 12/31/47

PA 19-46—HB 7063

Veterans' Affairs Committee

AN ACT CONCERNING LEASING OF MILITARY DEPARTMENT FACILITIES

SUMMARY: This act expands and modifies the list of individuals the adjutant general is authorized to allow to lease or use a military building, structure, parcel of land, or training site owned, leased, or controlled by the state (i.e., a military facility). By law, such individuals may lease or use the facility at a cost up to the facility's actual operating cost during the lease or use.

The act specifically adds to the list state armed forces members holding ceremonies recognizing a significant military career event, such as being promoted, receiving an award, enlisting, becoming a commissioned officer, getting married, or retiring.

Additionally, prior law authorized the adjutant general to allow any military organization to lease or use a military facility. The act limits this authorization to charitable military organizations only. However, under existing law, unchanged by the act, the adjutant general may allow youth military organizations to use military facilities for free.

EFFECTIVE DATE: July 1, 2019

BACKGROUND

Armed Forces of the State

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 as commander-in-chief may designate), and (3) naval militia and Marine Corps branch of the naval militia, whenever organized (CGS § 27-2).

PA 19-55—SB 800*Veterans' Affairs Committee***AN ACT ESTABLISHING THE MEDAL OF MERIT FOR CIVILIANS**

SUMMARY: This act establishes a civilian medal of merit for those (except the armed forces' civilian employees, military personnel, or contractors) who have distinguished themselves by exceptionally meritorious conduct that contributes significantly to accomplishing the armed forces' mission.

The act creates a board of officers that is responsible for making awards, within available appropriations, as it finds suitable from recommendations received through military or civilian channels. The board is comprised of the adjutant general (i.e., head of the state's Military Department) and two officers of field grade or above that he appoints.

EFFECTIVE DATE: July 1, 2019

PA 19-62—SB 951*Veterans' Affairs Committee
Education Committee***AN ACT CONCERNING VETERAN ENROLLMENT IN CERTAIN ALTERNATE ROUTE TO CERTIFICATION PROGRAMS**

SUMMARY: This act requires the State Department of Education (SDE) to reserve for veterans 10% of seats available in the existing alternate route to certification program for alternate professions (i.e., a program through which individuals from certain professions can attain their initial educator certificate). The act requires SDE to make seats that are not filled by veterans available for all persons from an alternate profession (see below). Under the act, a veteran is anyone honorably discharged, or released under honorable conditions, from active service in the U.S. Army, Navy, Marines, Coast Guard, Air Force, or any reserve component, including the National Guard performing duty under Title 32 of federal law (e.g., certain Homeland Security missions) (CGS § 27-103(a)).

Under the act and existing law, such veterans must hold at least a bachelor's degree from a regionally accredited higher education institution to be eligible to participate.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2019

PERSONS FROM AN ALTERNATE PROFESSION

By law, "person from an alternate profession" means a person who holds at least a bachelor's degree from a higher education institution accredited by the Board of Regents for Higher Education or Office of Higher Education or that is regionally accredited, and:

1. is a paraeducator;
2. is a veteran;
3. holds a charter school educator permit issued by the State Board of Education; or
4. is or was employed as a professor at an accredited institution of higher education.

It also includes individuals who hold a master's degree from (1) a social work program accredited by the Council on Social Work Education or (2) an equivalent educational program located outside the United States or its territories (CGS § 10-145w).

PA 19-95—sSB 863

*Veterans' Affairs Committee
Judiciary Committee*

AN ACT CONCERNING EMPLOYMENT PROTECTION FOR MEMBERS OF THE CIVIL AIR PATROL

SUMMARY: This act prohibits an employer, including the state and its political subdivisions, from discriminating against, disciplining, or discharging an employee because the employee is (1) a civil air patrol (i.e., civilian auxiliary of the U. S. Air Force) member or (2) absent from work responding to certain emergencies or for required training as a civil air patrol member.

The act:

1. establishes specific notice and verification requirements for employees who are civil patrol members;
2. specifies that its provisions must not be construed to prohibit an employer from (a) treating the employee's absence as unpaid time off or (b) complying with a collective bargaining agreement or employee benefit plan entered into before October 1, 2019; and
3. specifically allows an aggrieved employee to sue to recover damages and equitable relief in Superior Court.

It allows state employees who are air patrol members to respond to emergencies and attend trainings without loss of pay, overtime accumulation, or sick leave. Also, state employees with civil air patrol service-related injuries incurred on or after October 1, 2019, may receive sick leave with pay.

EFFECTIVE DATE: October 1, 2019

CIVIL AIR PATROL SERVICES

The act's employment protections apply if the employee is a civil air patrol member or is absent from work as a civil air patrol member in order to:

1. respond to an emergency declared by the governor or the U.S. president;
2. assist in an emergency, natural disaster, or life-threatening event at the request of the U.S. Air Force or Coast Guard; the Department of Emergency Services and Public Protection (DESPP); the Division of Emergency Management and Homeland Security within DESPP; the State Police; or a local police department; or
3. participate in required emergency services training programs and exercises.

EMPLOYEE NOTICE AND VERIFICATION TO EMPLOYER

The act requires employees who are absent from work for the reasons mentioned above to give their employers (1) as much notice as possible of the anticipated dates of absence and (2) written verification from the civil air patrol of the purpose of their absence.

The act also requires an employee who is a civil air patrol member and trained and qualified to provide emergency services to notify the employer that he or she may be called to participate in training or to serve in an emergency, natural disaster, or life-threatening event. The employee must give this notice by October 1, 2019, the first day of employment, or the date on which the employee joins the civil air patrol, whichever is latest.

STATE EMPLOYEE-SPECIFIC PROVISIONS*Emergency Responses*

Under the act, state employees may, with the authorization of the employee's appointing authority, respond to civil air patrol-related emergencies during regular working hours, or before work without authorization, without loss of pay, overtime accumulation, or sick leave. If requested, the employee must submit a written statement from the civil air patrol (1) verifying that such employee responded to the emergency situation and (2) specifying the date, time, and duration of the response.

Training Programs and Exercises

Under the act, a state employee who is an active member of the civil air patrol may, with the authorization of such employee's appointing authority, be allowed to attend required emergency services training programs and exercises during the employee's regular working hours without loss of pay, overtime accumulation, or sick leave.

Sick Leave for Injuries on or After October 1, 2019

Any state employee who is an active civil air patrol member and is injured on or after October 1, 2019, while serving in his or her capacity as a member of the civil air patrol, must be allowed to collect sick leave with pay for such injury. The employee must (1) be eligible to receive sick leave pay and (2) submit a written statement from the civil air patrol that such employee was injured during an emergency, natural disaster, or life-threatening event with the date, time, and nature of the injury.

PA 19-129—sSB 968

*Veterans' Affairs Committee
Appropriations Committee*

AN ACT ESTABLISHING THE MILITARY TO MACHINISTS AND VETERANS PLATFORM TO EMPLOYMENT PILOT PROGRAMS AND PROVIDING OTHER EMPLOYMENT ASSISTANCE TO VETERANS

SUMMARY: This act requires the workforce development board for the state's southwest region (i.e., The WorkPlace, Inc.) to develop and operate two pilot programs for veterans within its region: the (1) Military to Machinists program, to help veterans earn an advanced manufacturing certificate and find a job in that field, and (2) Veterans Platform to Employment program, to provide training and subsidized employment for long-term unemployed veterans. The board must implement both programs by October 1, 2019, and annually report to the Veterans' Affairs Committee on each program beginning by February 1, 2020.

The act allows the board, in conjunction with other regional workforce development boards, to offer the pilot programs in other regions in the state. It also requires the board, by October 1, 2019, to identify appropriate written materials on mental health conditions common to veterans to distribute to employers, including to those participating in the pilot programs.

Lastly, the act requires the Department of Labor (DOL) to provide specified information to veterans who contact the department for employment or workforce development services, including information on the Military to Machinists pilot program for those veterans who express an interest in advanced manufacturing.

Under the act, a veteran is an individual (1) honorably discharged or released under honorable conditions from active service in the armed forces or (2) with a "qualifying condition" who was discharged under conditions other than dishonorable or for bad conduct (i.e., someone diagnosed with post-traumatic stress disorder or traumatic brain injury or who disclosed a military sexual trauma experience). "Armed forces" means the U.S. Army, Navy, Marines, Coast Guard, Air Force, or any reserve component, including the Connecticut National Guard when under federal service.

EFFECTIVE DATE: July 1, 2019, except the provision on DOL's workforce development assistance to veterans is effective October 1, 2019.

§ 1 — MILITARY TO MACHINISTS PILOT PROGRAM

Program Purpose

The Military to Machinists pilot program must help veterans in the program's region (1) earn an advanced manufacturing certificate from a qualifying certificate program (described below) and (2) subsequently find a job with an eligible business in the advanced manufacturing field. Under the act, an "eligible business" is one that operates in Connecticut, has been registered to conduct business for at least 12 months, and is in good standing with respect to state and local taxes. It excludes the state or any of its political subdivisions.

Under the act, a "qualifying advanced manufacturing certificate program" is a for-credit or noncredit sub-baccalaureate advanced manufacturing certificate program offered by a public higher education institution or private occupational school in which at least 75% of the program's graduates are employed in a field related to or requiring such certificate in the year following graduation.

The act defines "advanced manufacturing" as a manufacturing process that extensively uses computer, high-precision, or information technologies integrated with a high-performance workforce in a production system capable of furnishing a diverse mix of products in small or large volumes with either the efficiency of mass production or the flexibility of custom manufacturing in order to respond quickly to customer demands. It includes newly developed

methods to manufacture existing products and the manufacture of new products emerging from new advanced technologies.

Workforce Development Liaisons

The act requires the southwest workforce development board to designate a number of employees, as it determines appropriate, as liaisons to provide the assistance described above. The liaisons must help veterans served by the pilot program obtain funding to attend a qualifying advanced manufacturing certificate program. This may include accessing existing veterans tuition waivers and assistance from the Workforce Training Authority Fund (i.e., an account in DOL used to, among other things, provide training assistance to eligible recipients the authority approves).

The liaisons must also help eligible businesses apply for (1) Unemployed Armed Forces Subsidized Training and Employment Program grants, which offset the cost of training and compensating eligible unemployed veterans, and (2) apprenticeship tax credits for qualifying programs in manufacturing, construction, and plastics-related trades, if applicable.

Promotional Materials

Starting by February 1, 2020, the act requires the board to annually develop or approve promotional materials describing the Military to Machinists pilot program and the various opportunities and benefits that it may provide veterans in the state. The board must distribute the promotional materials to qualified veterans' charitable organizations and Operation Academic Support for Incoming Service (OASIS) Members centers (see BACKGROUND). It must revise and redistribute the materials as it deems appropriate.

Annual Report to the Veterans Committee

Starting by February 1, 2020, and until the program ends, the act requires the board to report annually to the Veterans' Affairs Committee on the (1) program's operation and (2) board's recommendation to continue, discontinue, or expand the program. The report must include measures of the pilot program's effectiveness, including data on the number of veterans:

1. served by the pilot program;
2. pursuing or earning advanced manufacturing certificates through the program and the type and amount of funding assistance the veterans received; and
3. securing employment in advanced manufacturing with an eligible business through the program, including the (a) salaries they earned, (b) number retaining employment in advanced manufacturing over time, and (c) number and amount of grants and tax credits received by eligible businesses hiring them.

§ 2 — VETERANS PLATFORM TO EMPLOYMENT PILOT PROGRAM

Program Purpose

Under the Veterans Platform to Employment Pilot Program, the act requires the southwest workforce development board to provide training and subsidized employment for veterans who have experienced long-term unemployment in a manner similar to the board's existing Platform to Employment Program (i.e., a partnership with DOL and the state's workforce development boards aimed at returning the long-term unemployed to work). The Veterans Platform to Employment Pilot Program must provide veterans in the region with:

1. a preparatory program that includes services such as skills assessments, career readiness workshops, employee assistance programs, and coaching; and
2. employment assistance that includes identifying positions at local employers and providing subsidies to employers that hire veterans for trial work experiences that may lead to continued employment.

The program may offer additional services to help veterans, including personal and family support services and financial counseling.

Report to the Veterans Committee

Under the act, starting by February 1, 2020, and until the program ends, the board must submit an annual report to the Veterans' Affairs Committee on the (1) program's operation and (2) board's recommendation to continue, discontinue, or expand the program. The report must include measures of the program's effectiveness, including data on the number of veterans (1) served, (2) placed with employers by the program and the salaries they earned, and (3) retaining employment over time.

§ 3 — WRITTEN MATERIALS ON VETERANS' MENTAL HEALTH

The act requires the southwest workforce development board to identify appropriate written materials on mental health conditions common to veterans to distribute to employers. These conditions include post-traumatic stress disorder, suicide risk, depression, and grief.

The written materials must provide guidance on (1) identifying the signs and symptoms of the mental health conditions and (2) assisting employees who are veterans who exhibit the signs and symptoms in the workplace.

The board (1) must distribute the materials to employers participating or eligible to participate in either pilot program created under the act and (2) may distribute them to other employers that may hire veterans.

§ 4 — DOL'S WORKFORCE DEVELOPMENT ASSISTANCE TO VETERANS

The act requires DOL to provide certain information to veterans who contact the department for employment or workforce development services. More specifically, if the department determines that the veteran lives closer to a workforce development board facility with a veterans unit than to a DOL facility offering employment or workforce development assistance, it must provide the veteran with the board's contact information. And if the veteran expresses an interest in advanced manufacturing and may be eligible for the Military to Machinists pilot program, it must provide the veteran with the program's information.

BACKGROUND*Veterans' Charitable Organizations*

By law, a "qualified veterans' charitable organization" is one that (1) holds itself out to be established for a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare, or advocacy purpose relating to or on behalf of veterans and (2) has been a Connecticut nonstock corporation for at least three years or a 501(c) tax exempt organization for at least three consecutive years. The Veterans Affairs Department maintains and publishes a list of qualified veterans' charitable organizations.

PA 19-148—HB 7064*Veterans' Affairs Committee***AN ACT CONCERNING MUNICIPAL VETERANS' REPRESENTATIVES**

SUMMARY: Under prior law, any municipality that did not have a local veterans' advisory committee (see BACKGROUND) and did not provide funding for a veterans' service officer was required to designate an employee to serve as a veterans' service contact person. This act substitutes the term "municipal veterans' representative" for the term "veterans' service contact person," allows volunteers to serve in this position, and subjects them to all existing training requirements.

Under the act, a volunteer designated as a municipal veterans' representative must:

1. be a resident of the municipality;
2. be a veteran or have practical experience handling veterans' issues;
3. be available to veterans in person, by phone, or by email for a minimum number of hours per week as the municipality may establish; and
4. file a monthly performance report with the municipality that includes the names of the veterans assisted, services or referrals provided, and any other information as determined by the municipality.

The act also makes conforming changes.
 EFFECTIVE DATE: October 1, 2019

BACKGROUND

Veterans' Advisory Committee

- By law, any municipality may establish a local veterans' advisory committee to, among other things:
1. coordinate reemployment, education, rehabilitation, and adjustment to peacetime living for veterans and their dependents;
 2. cooperate with all national, state, and local government and private agencies to secure services and benefits for veterans and their dependents; and
 3. encourage and coordinate vocational training services for veterans (CGS § 27-135(a)).

PA 19-171—sHB 7244

Veterans' Affairs Committee
Planning and Development Committee

AN ACT CONCERNING THE PROPERTY TAX EXEMPTION FOR SERVICE MEMBERS AND VETERANS HAVING DISABILITY RATINGS

SUMMARY: This act increases the base property tax exemption for certain disabled service members and veterans by \$500. By doing so, it also increases the (1) additional income-based exemption for such service members and veterans by \$250 or \$1,000, depending on their income, and (2) local-option exemption that a municipality may provide to certain 100% disabled service members or veterans instead of the income-based exemption, by \$1,500. Both of these exemption amounts are calculated using the base exemption.

EFFECTIVE DATE: October 1, 2019, and applicable to assessment years commencing on or after that date.

PROPERTY TAX EXEMPTION FOR DISABLED SERVICE MEMBERS OR VETERANS

Base Exemption

The act increases the base state-mandated property tax exemption for disabled service members or veterans by \$500. The exemption is available to Connecticut residents who have served, or are serving, in the U.S. Army, Navy, Marine Corps, Coast Guard, or Air Force and (1) have a U.S. Veterans Affairs disability rating of 10% or more or (2) receive a pension, annuity, or compensation from the United States due to the service-related loss of a leg or arm or its equivalent, as determined by the U.S. Pension Office or the Bureau of War Risk Insurance. As under existing law, property tax exemptions may be used for property that is owned by, or held in trust for, a veteran or service member. The exemption amount for a veteran with a disability rating depends on that rating. The table below shows the exemption amounts under prior law and the act.

Base Property Tax Exemption Amounts

<i>Disability Rating</i>	<i>Exemption Amount under Prior Law</i>	<i>Exemption Amount under the Act</i>
10%-25%	\$1,500	\$2,000
26%-50%	2,000	2,500
51%-75%	2,500	3,000
76%-100%	3,000	3,500
At least 10% and age 65 or older	3,000	3,500

The act similarly increases the maximum exemption amount for those receiving a pension, annuity, or compensation from \$3,000 to \$3,500.

Income-based Exemption

By law, a municipality must give a disabled service member or veteran an additional income-based exemption, which is calculated using the base exemption amount (CGS § 12-81g(a) & (d)). For disabled veterans or service members whose incomes are (1) at or below a certain threshold, the additional exemption is twice the base amount and (2) above the threshold, the additional exemption is 50% of the base amount. By increasing the base exemption by \$500, the act increases the income-based exemption by (1) \$1,000 if the service member's or disabled veteran's income is at or below the threshold or (2) \$250 if it is over the threshold.

By law, the Office of Policy and Management annually updates the income thresholds to reflect the amount of the Social Security Administration's cost-of-living adjustment. For 2019, the threshold for such veterans or service members is \$36,000 if unmarried and \$43,900 if married (CGS §§ 12-811 & 12-170aa(b)(2)). These apply to all disabled veterans and service members except those with 100% disability ratings, who are subject to the statutory thresholds of \$18,000 if unmarried and \$21,000 if married (CGS § 12-81g(a)).

Local-Option Exemption

Existing law also allows a municipality, with its legislative body's approval, to provide 100% disabled veterans or service members, under certain income thresholds, with three times the amount of the base exemption instead of double the amount as under the additional income-based exemption. By increasing the base exemption by \$500, the act increases the local-option exemption by \$1,500. The income eligibility threshold for this optional municipal property tax exemption is \$21,000 if single and \$24,000 if married (CGS § 12-81g(b)).

PA 19-172—sHB 7248

Veterans' Affairs Committee

AN ACT CONCERNING IN-STATE STUDENT STATUS FOR SPOUSES AND CHILDREN OF CERTAIN MEMBERS OF THE ARMED FORCES

SUMMARY: By law, members of the armed forces stationed in the state, and their spouses and dependents (i.e., unemancipated children), are entitled to in-state student classification for tuition purposes at UConn, the Connecticut State Universities, the community colleges, and Charter Oak State College (i.e., institutions of higher education).

This act allows the spouses and unemancipated children residing in the state to maintain their in-state student classification if the service member is transferred out of state on military orders after the student has been accepted for matriculation in a degree-granting program. By law, "reside" means continuous and permanent physical presence within the state (temporary absences for short periods do not affect the establishment of residence).

The law, unchanged by the act, allows an unemancipated child to maintain in-state student classification if he or she had already started to pursue a degree at one of the institutions of higher education and continues, as a full-time student, to pursue the degree for which he or she was enrolled at the time his or her parent (i.e. the service member) transferred out of state.

EFFECTIVE DATE: October 1, 2019

PA 19-1, July Special 2019 Session—SB 1210
Emergency Certification

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS

SUMMARY: Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs (with less wealthy towns receiving a higher reimbursement percentage). The towns pay the remaining costs.

This act authorizes eight school construction grants totaling \$160.5 million toward total project costs of \$229 million. It also exempts certain school construction projects from various statutory and regulatory requirements to allow them to, among other things, qualify for (1) state reimbursement grants or (2) a higher level of reimbursement grant. These exemptions are referred to as “notwithstandings.”

Additionally, the act makes (1) changes in school construction laws concerning town or regional school building committee membership, reimbursement rates for diversity schools, school construction project contracting rules, and emergency grants and (2) various technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the provisions concerning contracting rules are effective July 1, 2020.

§ 1 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

The table below shows the district, school, project, estimated cost and grant, and reimbursement rate for each of the eight new projects.

New School Construction Grant Commitments

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs (\$)</i>	<i>Estimated Grant (\$)</i>	<i>Reimbursement Rate (%)</i>
Bridgeport	Bassick High School	New construction	115,000,000	90,769,500	78.93
Enfield	John F. Kennedy Middle School	Renovation	84,373,294	59,365,050	70.36
Norwalk	Norwalk High School	Combined alteration	4,228,203	1,404,186	33.21
Simsbury	Henry James Memorial School	Combined alteration	23,965,620	8,301,691	34.64
Fairfield	Fairfield Ludlow High School	Alteration	122,764	31,133	25.36
Fairfield	Fairfield Warde High School	Alteration	222,486	56,422	25.36
Middletown	Middletown High School Vo-Ag Center	Vo-ag equipment	123,690	98,952	80.00
Newington	Transition Academy at Town Hall	New construction	1,001,341	472,032	47.14
Totals			229,037,398	160,498,966	

§§ 2-7 — CHANGES TO SCHOOL CONSTRUCTION LAWS

OPM Comments on Proposed School Building Projects (§ 2)

Under prior law, the Office of Policy and Management (OPM) secretary had to submit comments and recommendations on the annual list of proposed school building projects (i.e., the “priority list”) to the General

Assembly's School Building Project Review Committee after the Department of Administrative Services (DAS) commissioner submitted the list to the governor, the General Assembly, and OPM. The act allows, rather than requires, the secretary to submit the comments and recommendations to the committee.

Project Categories (§ 2)

The act conforms the law to current practice by requiring the DAS commissioner, rather than the education commissioner, to assign each school building project a category based on its primary purpose. (Legislation in 2011 and 2014 transferred the primary responsibility for school construction grants from the State Department of Education to DAS.)

Town or Regional School Building Committee Membership (§ 3)

The act requires that any town- or regional school district-established school building committee include at least one member with experience in the construction industry, if the committee will receive state reimbursement for a school building project.

Diversity School Project Reimbursement Rate (§§ 4 & 5)

The act changes the state grant reimbursement rate for diversity school construction projects from 80% of reasonable project costs to the town's standard reimbursement rate (anywhere from 10% to 70% for new construction, depending upon the town's wealth) plus an additional 10 percentage points. By law, diversity school projects are intended to address an existing student enrollment racial disparity in the school district by creating a new school that is open to enrollment from all students across the district (see BACKGROUND).

School Construction Contracting (§ 6)

The act makes several changes to the law addressing how school construction contracts are awarded for construction management services, architectural services, and other consultant services.

By law, most contracts and orders for school building construction receiving state assistance must be awarded to the lowest responsible qualified bidder following a public bidding invitation. The law provides exceptions for contracts for construction management and architectural services, which instead must be awarded from a pool of up to the four most responsible qualified proposers after a public selection process.

Construction Management Services. The act allows awarding authorities (e.g., boards of education), upon the written approval of the DAS commissioner, to permit a construction manager to self-perform part of the construction work if the authority and the commissioner determine that the manager's self-performance will be more cost-effective than using a subcontractor. It expands the evaluation criteria that awarding authorities must use to select construction managers to include whether the proposer intends to self-perform any project element and the benefit to the awarding authority that will result from the self-performance.

Under the act, all work not performed by the construction manager must be performed by trade subcontractors selected by a process the awarding authority and the commissioner approve. The act requires that the construction manager's contract include a guaranteed maximum price for the cost of construction, which must be determined within 90 days after the selection of the trade subcontractors. It prohibits construction from beginning before this determination, except for work relating to site preparation and demolition.

Architectural Services. The act modifies the evaluation criteria that must be used to determine the most responsible and qualified proposers for architectural services. Under existing law, the criteria include consideration of, among other things, the proposer's organizational and team structure. The act requires that the criteria used to evaluate this structure include consideration of any subcontractors to be used by the proposer.

Other Consultant Services. The act subjects orders and contracts for other consultant services to the same requirements as those for architectural services (e.g., that they be awarded from a pool of up to the four most responsible qualified proposers after a public selection process). Other consultant services include those rendered by an owner's representatives, construction administrators, program managers, environmental professionals, planners, and financial specialists.

Under the act, costs associated with an order or contract for these consultant services are ineligible for state financial assistance unless the order or contract receives prior approval from the DAS commissioner.

Emergency Construction Grants (§ 7)

The act expands the types of projects eligible for emergency construction grants. (Unlike priority list projects, these do not require legislative approval.) By law, emergency grants can be made for certain reasons, such as correcting safety, health, and other code violations; replacing roofs; and making repairs due to fire or other catastrophe. The act additionally allows these grants for school security projects, including improvements to existing security infrastructure or installing new security infrastructure.

§§ 8-12 — PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

The table below describes the notwithstandings (i.e., exemptions and waivers from state law) that the act grants to two towns, Hartford and Tolland.

School Construction Project Exemptions, Waivers, and Other Modifications

Section	Town	School and Project	Exemption, Waiver, or Other Change
8	Hartford	Martin Luther King, Jr. Elementary School, magnet school renovation	Increases the project reimbursement rate from 80% to 95% to implement the District Model for Excellence approved by the Hartford Board of Education on January 23, 2018 Allows reimbursement for certain costs that are otherwise ineligible for reimbursement, provided the ineligible costs do not exceed \$2 million and the project meets all other requirements of school construction projects
9	Hartford	Burns Latino Studies Academy, renovation	Converts the existing project from “code violation” to “renovation” Waives the requirement to submit an application for the \$47.7 million project before June 30, 2018, in order to be considered for the 2019 priority list, as long as Hartford (1) files an application before October 1, 2019, and (2) meets all other requirements of school construction projects Increases the project reimbursement rate from 80% to 95% to implement the District Model for Excellence approved by the Hartford Board of Education on January 23, 2018
10	Hartford	Bulkeley High School, renovation	Waives the requirement to submit an application for the \$149 million project before June 30, 2018, in order to be considered for the 2019 priority list, as long as Hartford (1) files an application before October 1, 2019, and (2) meets all other requirements of school construction projects Increases the project reimbursement rate from 80% to 95% to implement the District Model for Excellence approved by the Hartford Board of Education on January 23, 2018
11	Hartford	Various (unspecified)	Authorizes a reimbursement rate of 95% for any school building project related to implementing the District Model for Excellence, as long as Hartford (1) files an application for such projects before June 30, 2022, and (2) meets all other requirements of school construction projects
12	Tolland	Birch Grove Primary School, renovation and portable classrooms	Authorizes a reimbursement rate of 89% for the renovation project to address the emergency situation regarding the presence of pyrrhotite in the school's foundation Authorizes a reimbursement rate of 100% for the portable classroom project to address the above situation

BACKGROUND*Diversity School Project Grants*

A local or regional board of education has a qualifying racial disparity when one or more of its schools has a minority enrollment that exceeds the district-wide average percentage of minority enrollment for the same grades by more than 25% (i.e., schools that have a disproportionately high minority population) (CGS § 10-286h(a)).

In order to be eligible for grant funds, the school board must show that it has made a good faith effort to correct the disparity, as determined by the education commissioner. The board must also (1) develop policies to inform district residents that diversity school enrollment is open to all resident students and (2) have a plan to correct the disparity in the proportion of pupils of racial minorities in the district (CGS § 10-286h(b)).

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