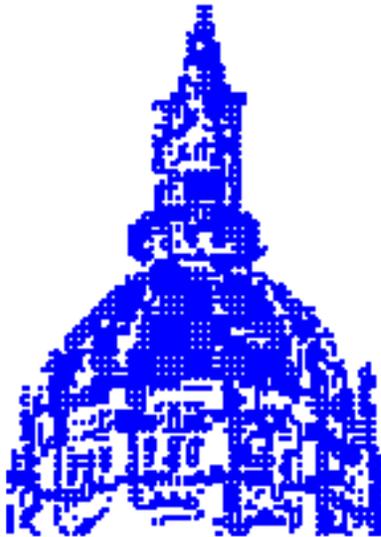


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

MUNICIPALITIES



By:
Kevin McCarthy, Principal Analyst

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Lawrence K. Furbish, Director
Phone (860) 240-8400
FAX (860) 240-8881
<http://www.cga.state.ct.us/olr>

Connecticut General Assembly
Office of Legislative Research

Room 5300
Legislative Office Building
Hartford, CT 06106-1591
Olr@po.state.ct.us

NOTICE TO READERS

In its 2003 regular session, the General Assembly enacted new laws and changed existing programs of particular interest to Connecticut's municipalities. We will revise and update this report, if necessary, to include relevant acts enacted during the special session in progress when this report was compiled.

These summaries are in lay terms and are not intended to be legal interpretations. We encourage readers to obtain the full text of acts that interest them from the Connecticut State Library or the House Clerk's Office. Complete summaries of all public acts passed during the 2003 session will be available in early fall when OLR's *Public Act Summary* book is published or via our web page (www.cga.state.ct.us/olr).

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COMMUNITY DEVELOPMENT

Business Loans for Low- and Moderate-Income People

This act expands the Community Economic Development Fund's (CEDF) authority to provide financing to low- and moderate-income people statewide for establishing, maintaining, and expanding businesses. Prior law allowed CEDF to provide this and other types of financing to anyone regardless of income, but only in areas the state designated for targeted economic development funding (**PA 03-93**, effective July 1, 2003).

Neighborhood Assistance Act Tax Credits

This act increases business tax credits from 40% to 60% of the amounts businesses:

1. invest in municipally designated neighborhood assistance, education, community services, crime prevention, or low- and moderate-income housing programs;
2. donate funds to municipal open space acquisition programs;
3. contribute to community-based alcoholism prevention and treatment programs; or

4. invest in day care facilities that primarily serve their employees' children (**PA 03-225**, effective July 1, 2003 and applicable to income years starting on or after January 1, 2003).

EDUCATION

Paraprofessionals

State law requires employers to pay all wages (1) weekly on a regular pay day and (2) no more than eight days after the end of the pay period the wages cover. This act allows local and regional boards of education and unions representing their paraprofessional employees to establish different wage payment schedules in their collective bargaining agreements. Boards and unions already had authority to establish different pay schedules for certified board employees, such as teachers and school administrators.

The act applies to employees who work for school boards as instructional or administrative assistants in positions that do not require State Board of Education certificates (**PA 03-11**, effective July 1, 2003).

Adult Education

Among other things, this act eliminates a limit on the amount of state-reimbursable adult education expenses a local or regional board of education may

devote to computer equipment and two bonus provisions from the adult education grant reimbursement formula (**PA 03-100**, effective July 1, 2003).

No Child Left Behind Act

This act aligns state law with the testing requirements of the federal No Child Left Behind (NCLB) Act. It does this by establishing additional statewide achievement tests for public school students in grades 3, 5, and 7, starting in 2005-06. It changes when students take the tests, requires costs for conforming the state's mastery tests with NCLB requirements to be paid exclusively from federal funds the state and school districts receive under that law, and requires the Education Committee to evaluate state and local costs for implementing the NCLB compared to the federal funds received for the purpose.

The act extends preferences for certain students in any attendance lottery conducted under the state's interdistrict school choice program to include those who would otherwise attend a school found to be "in need of improvement" under the NCLB (**PA 03-168**, effective July 1, 2003).

Minor Revisions to Education Statutes

This act:

1. makes those teaching under State Board of Education (SBE) durational shortage area permits (DSAPs) members of teacher collective bargaining units;
2. allows school districts to include student scores on each part of the Connecticut Academic Performance Test (CAPT) on students' permanent records and transcripts;
3. prohibits schools from administering tests required by state or federal law for students in grades seven through 12 before 9:00 a.m.;
4. requires the birth-to-three program to notify school boards of children in the program who will turn three during the next fiscal year; and
5. allows priority school districts to charge fees for students to participate in after-school programs funded by state extended school building hours grants (**PA 03-174**, effective July 1, 2003, except for the provision on the SBE report, which takes effect upon passage, and the provision regarding birth-to-three services, which takes effect on October 1, 2003).

Education Services for Blind or Visually Impaired Children

This act establishes a priority system for the Board of Education and Services to the Blind (BESB) to use when it provides and pays for educational services to children who are blind or visually impaired. It also requires BESB to make its existing resources, such as its library, available to school districts and permits it to provide districts with professional development and training.

The act eliminates a requirement that blind children be “educable” as a condition of their parent’s or guardian’s petitioning their local school board for services.

It also eliminates BESB’s authority to provide educational services to children whose vision is better than the statutory definitions of blindness (**PA 03-219**, effective July 1, 2003).

Indoor Air Quality

This act:

1. requires districts to conduct Phase I environmental site assessments of proposed school construction sites;
2. requires heating, ventilating, and air conditioning (HVAC) systems to be operated and maintained in accordance with prevailing standards;
3. allows the education commissioner to approve

- school construction projects for certified school indoor air quality emergencies without putting them on the list for General Assembly approval;
4. requires local and regional school districts to implement an inspection and evaluation program, such as the U. S. Environmental Protection Agency's (EPA) Tools for Schools, for new building constructions, extensions, renovations, and replacements; and
5. allows local and regional boards of education to establish indoor air quality committees to increase staff and student awareness of indoor environmental quality (**PA 03-220**, effective July 1, 2003).

Teacher Retirement Benefits

This act specifies that re-employed retired teachers in designated shortage areas are to be eligible for the same health insurance benefits provided to active teachers. Previously, these teachers received health insurance coverage or a health care subsidy through the Teachers Retirement Board (TRB). It also allows for the purchase of additional credited service in the Teachers' Retirement System (TRS) prior to the time of retirement.

The act codifies the existing TRB rules regarding payments of

early retirement incentive plans by local boards of education and allows boards to pay for an early retirement incentive over a longer period of time. Previously, if a board purchases two years of service it must pay for it over two years. Under the act, a board could pay for a purchase over a period of up to three times the number of years of service being purchased.

The act increases the mandatory health contributions for active teachers by .25% to 1.25% of salary, effective July 1, 2004. These contributions are used to fund the retired teachers' health insurance premium account along with contributions made by the state and retirees.

The act also increases the state's appropriation to the retired teachers' health insurance premium account from 25.0% to 33.3% of the basic plan's premium equivalent and the municipal plan stipend, effective FY 06 (**PA 03-232**, effective July 1, 2003).

ELECTIONS

Electronic Voting

This act permits the secretary of the state to conduct a demonstration project using electronic voting machines in at least three towns during the 2003 and 2004 elections. It authorizes the secretary to conduct an exit poll to solicit voters' reactions to the electronic

machines and requires the State Elections Enforcement Commission to survey the volunteers who conduct the exit polls and the participating towns and report to the secretary on the results. The secretary must report to the Government Administration and Elections Committee on the demonstration project.

The act prohibits the secretary from approving, and bans the use of, punch-card voting machines at any election, primary, or referendum held in the state (**PA 03-7**, effective upon passage).

Students as Poll Checkers

This act allows a 16- or 17-year-old to be appointed as a checker in a polling place at an election or a primary without first having to serve as an unofficial checker or a candidate checker. It permits the appointment after the person attends poll worker training and, if the person is a high school student and the primary or election is held on a school day, has received written permission from a parent, guardian, or the school principal. The act also permits such youth to serve as translators at a polling place and requires the same poll worker training and permission for appointment as a voting machine tender or translator.

By law, a 16- or 17-year-old poll worker must be a U.S. citizen and resident of the town where the primary or election is held. Prior law (1) permitted a youth to serve as a challenger, voting machine tender, unofficial checker, candidate checker, or checker and (2) required the youth to have served as an unofficial checker in an election or as a candidate checker in a primary before being eligible for appointment as a checker in a subsequent election or primary (**PA 03-108**, effective July 1, 2003).

Transmission of Election Results

This act expands the way that officials may transmit election results to the Office of the Secretary of the State by (1) allowing them to send results electronically for both state and municipal elections and (2) extending to municipal elections the option that officials have after state elections to send them by facsimile. It gives the moderator in each town (and the head moderator in a town with more than one voting district) the option to send state and municipal election results electronically to the secretary by midnight on election day. If he does, the moderator must also seal and deliver the results to the secretary by the third day after the election (no later than Friday after a Tuesday election).

Otherwise, the moderator must seal and deliver the results as under existing law, that is, by hand to the secretary by 6 p.m., or to the State Police by 4 p.m., on the day after election day. By law, the State Police must deliver any results they receive to the secretary by 6 p.m. on the day after the election.

The law requires moderators to transmit municipal election results to the secretary “forthwith.” The act establishes the same deadlines for delivering results of a municipal election that apply to state election results and applies the same penalty (\$50) for a late filing (**PA 03-112**, effective upon passage).

Centralized Voter Registry

This act requires registrars of voters to send their voter registration information to the Office of the Secretary of the State by July 1, 2003, for inclusion in the secretary’s statewide centralized voter registration system. The registrars must transmit the information in a format the secretary prescribes. By September 1, 2003, every registrar in the state must participate in the statewide centralized system in the manner the secretary prescribes.

The act allows towns to maintain a separate registry list if (1) it includes the information required to be in the statewide list and (2) the registrars send

voter information to the secretary and comply with the federal law requiring a computerized statewide voter registry list (**PA 03-117**, effective upon passage).

Election Day Registration

This act allows people to register to vote during voting hours at sessions the registrars of voters hold on the day of an election, primary, or presidential preference primary. It establishes procedures applicants and registrars must follow for registration on election day. The act also:

1. eliminates the use of presidential ballots for state residents;
2. requires the secretary of the state and the registrars' association to train registrars and poll workers in the new procedures;
3. requires the secretary, in consultation with registrars and the State Elections Enforcement Commission, to report to the Government Administration and Elections Committee on the act's implementation;
4. designates the registrars of voters as the "administrators of elections held in the municipality";
5. expands and clarifies some of the registrars' duties with respect to voter registration records; and

6. requires identification information on anyone who returns a mail-in registration application on behalf of another just before the deadline

(PA 03-204 (VETOED)),

effective upon passage, except for the provision on voter registration records, which is effective October 1, 2003).

Primaries

This act allows candidates for state and district offices to petition onto a primary ballot for their party's nomination for office; moves the primary date for all offices voted on at a state election from September to the second Tuesday in August; changes some dates for the party convention system for endorsing candidates; and eliminates convention delegate primaries, replacing them with delegate selection by town committees or party caucuses.

The act establishes petition procedures and signature requirements for candidates who want to use that method to get on a primary ballot for their party's nomination. They can challenge the party-endorsed candidate as well as candidates who receive at least 15% of the delegate vote at a convention and file to run in a primary.

It requires towns to provide one voting machine for every 2,400, rather than 1,200, eligible voters (or fraction thereof) at primaries.

In addition to the changes to the primary laws, the act (1) requires disclosure of a contributor's municipal contract of \$5,000 or more on a municipal chief executive officer candidate's campaign finance statement and (2) extends the restriction on the use of public funds featuring a candidate for office before an election, to cover ads that appear in movie theaters or on billboards or bus posters (**PA 03-204**, various effective dates).

Absentee Ballots Pilot Program

This act requires the State Elections Enforcement Commission to establish a pilot program for absentee voting in three municipalities that agree to participate for the 2003 municipal elections and primaries and report on its results to the Government Administration and Elections Committee. The act includes the program specifications, including the creation of the position of absentee ballot coordinator (ABC). Registrars of voters appoint volunteers or nominees, who may not be municipal employees or party or campaign workers. The act limits the authority to distribute absentee ballot applications to the new ABCs and town clerks and

registrars of voters, who can currently distribute them, but under the program must sign an application completed in the office.

Under the act's program, only clerks, registrars, ABCs, or designees of an applicant can help an applicant complete the form, and two ABCs must be present to provide assistance jointly. The act requires ABCs to account for blank applications and makes the list of applicants confidential until the Thursday before a Tuesday election or primary.

The statutory requirements of the state's absentee ballot laws apply in the selected towns, with the exception of the procedures established for this program (**PA 03-227**, effective upon passage).

ENVIRONMENT

Regulation of Invasive Species

This act prohibits, until May 5, 2004, municipalities from adopting ordinances regarding the retail sale or purchase of any invasive plant and bars the importation, transport, sale, purchase, possession, cultivation, or distribution of seven specific plants, regardless of any municipal ordinance to the contrary. Violators are subject to a fine of up to \$100, and must follow the procedures the law prescribes for infractions. The act also creates a nine-member Invasive Plants Council

to recommend ways to control and abate invasive plants (**PA 03-136**, effective upon passage).

Neutering Cats and Dogs

This act allows a municipal animal control officer to have a licensed veterinarian spay or neuter healthy cats, dogs, and other animals that he has taken into custody before selling or placing them as pets. The officer is subject to the same conditions by which he may sell or place such animals as pets or destroy them (**PA -137**, effective October 1, 2003).

Connecticut Resources Recovery Authority

This act requires the Connecticut Resources Recovery Authority's board of directors to establish a special committee with affected municipalities before the termination of a waste management project contract to study the disposal options available after the conclusion of the existing agreement (**PA 03-133**, effective July 1, 2003).

FINANCE

Real Estate Conveyance Tax

From March 15, 2003 to June 30, 2004, this act increases the municipal share of the real estate conveyance tax from 0.11% to 0.25% of the sales price. It also allows the following towns with

state designated enterprise zones or manufacturing facilities to increase the municipal share to 0.5%: Bloomfield, Bridgeport, Bristol, East Hartford, Groton, Hamden, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Southington, Stamford, Waterbury, and Windham (**PA 03-2**, effective March 15, 2003).

Another act eliminates the requirement to file a real estate conveyance tax return with the appropriate town clerk when a town is a party to a conveyance involving only an easement (**PA 03-107**, effective upon passage).

GOVERNANCE

Notice of Proposed Charter Amendments

This act allows towns to publish in a newspaper only the amended part of a charter or home rule ordinance, rather than the complete document, before the vote on it. If a town does this, it must publish a notice that a complete copy of the document is available in the town clerk's office or by mail on request. Prior law required a town to publish a proposed charter or home rule ordinance as amended in full at least once in a newspaper with general circulation in the town. The act requires publication only for that portion of the charter or ordinance being amended. The town clerk must mail or

otherwise provide a copy of the complete charter, home rule ordinance, and amendment to anyone who asks for it (**PA 03-99**, effective October 1, 2003).

Access to Building Construction Plans

The law requires building officials to return original plans and specifications for the construction or alteration of single-family dwellings or outbuildings after issuing a certificate of occupancy to homeowners who submit a written request. This act requires the officials to return them immediately, rather than waiting at least two years after the request.

By law, a building permit is required for most construction (and major alterations), other than the construction of certain state buildings. The plans are public records while the building official has them and subject to disclosure under the Freedom of Information Act (**PA 03-205**, effective October 1, 2003).

Off-site Storage of Records

This act permits municipalities to store original documents off site if (1) their contents are electronically available on site on demand and (2) the town clerk can provide and certify a copy of the document. Under existing law, the state librarian must approve

security storage facilities or establish and operate them for the safe storage of original public records (**PA 03-139**, effective October 1, 2003).

LAND USE

Administrative Review Processes

This act standardizes the timeframes under which land use commissions must act on applications and the requirements under which they must notify the public and other parties about the public hearings they hold on these matters. In doing so, it changes the timeframes for wetlands commissions to act on applications and the extent to which all land use commissions can extend the timeframes for acting on applications.

The act requires sewer districts and water pollution control authorities to act on certain applications or requests within 65 days after the date they were received. This timeframe applies to requests to determine the sewer capacity of proposed land uses, approvals for sewer connections the applicant must pay, and any other applicant-funded proposal for treating or disposing of wastewater. These bodies can extend this timeframe if the applicant agrees. The act does not limit the number of extensions they can request, but it does limit the total number of

days for all extensions to 65 (**PA 03-177**, effective October 1, 2003 and applicable to land use applications filed on or after that date).

Pre-Application Reviews

This act explicitly allows municipal land use and building agencies and their agents to conduct a pre-application review on a proposed project with the applicant at his request. The review and any results or information obtained from it (1) are not binding on the applicant or the agency or official authorized to conduct the review and (2) cannot be appealed under the statutes. The provision applies to any municipal authority, commission, department, or other agency that issues permits and approvals under the zoning, planning, inland wetlands, building and fire code, and related laws. Agencies can conduct the pre-application review jointly, separately, or in any combination.

The act eliminates the need to obtain certain local approvals for some motor vehicle-related land uses and repeals related notice, hearing, and fee requirements. It allows zoning and planning and zoning commissions, as well as legislative bodies and specified officials, to approve the location of gas stations. It also eliminates the need for a junkyard to obtain a Department of Motor Vehicles

license as a condition of obtaining local land use approval.

By law, the state building inspector and the Codes and Safety Committee, in consultation with the public safety commissioner, must revise the state building and fire codes to emphasize performance, rather than design specifications. As part of this mandate, they must develop separate standards for building rehabilitation. The act instead requires them to develop a rehabilitation sub-code, which must include provisions to identify and standardize economically feasible rehabilitation standards and modifications that ensure public health, safety, and welfare and that protect the environment. It requires the commissioner to develop implementing regulations by January 1, 2005.

The act specifies that a planning commission can fill vacancies only if the town's charter does not specify how vacancies must be filled (**PA 03-184**, effective October 1, 2003).

Notice of Zoning Decisions

This act establishes a procedure by which a person seeking a building permit, certificate of occupancy, or other decision from a local building official may provide the legally required notice to the public that the building complies with zoning laws. By providing such notice,

the person limits the time period during which the zoning decision may be appealed (**PA 03-144**, effective October 1, 2003).

PROPERTY TAXATION

Trucks and Machinery and Equipment Property Tax Exemption

By law, new machinery, equipment, and large trucks are exempt from property taxes for five years after being acquired. The state reimburses municipalities for 100% of the revenue lost from such exemptions approved before October 1, 2000 and 80% for exemptions approved on or after that date.

The act allows a local legislative body to impose a tax in FY 2003-2004 on machinery, equipment, and trucks approved for the exemption from its October 1, 2001 grand list. The tax must be no more than the difference between the state reimbursement grant, as modified by the governor under the extra rescission authority granted in PA 02-1, May 9 Special Session, and the grant amount under the act (**PA 03-2**, effective upon passage).

Veterans Tax Exemptions

This act makes all veterans who have 90 days of active duty service since August 2, 1990 eligible for several property tax,

education, and other benefits. Under prior law, only those veterans who served during (and in some cases, in) specific conflicts or operations were eligible for these benefits. The act also extends benefits to all veterans who served during the conflicts in Somalia after December 2, 1992 and Bosnia after December 20, 1995. Under prior law, the veteran had to have served in those countries to qualify. (**PA 03-85**, effective upon passage).

Another act expands the number of veterans and their surviving spouses eligible for an optional property tax exemption. Specifically, it increases the maximum allowable income for the program by \$25,000, to \$41,200 for a single veteran or a survivor of a veteran and \$45,000 for a married veteran. To be eligible for the optional benefit, the person must be eligible for the mandatory \$1,000 property tax exemption for veterans and their surviving spouses.

By law, municipalities can exempt up to \$10,000 of the property's value. The act alternatively allows the municipality to set a maximum exemption of up to 10% of the property's value (**PA 03-44**, effective July 1, 2003 and applicable to assessment years starting on and after October 1, 2003).

A third act extends certain veterans and armed forces members' property tax exemptions that previously applied only to owned property to include leased motor vehicles. The act allows eligible recipients to receive refunds of taxes on leased vehicles, whether they paid the taxes directly or through their lease payments (**PA 03-269**, effective October 1, 2003 and applicable to assessment years starting on or after that date).

State Quasi-Public Agency Property Tax Exemption

This act sets conditions under which towns can tax real property a state quasi-public agency acquired for future use. Towns can do this if:

1. the agency holds or uses the property for any purpose other than a public purpose or one of its legally authorized purposes;
2. the agency owned the property for at least one year before and including the October 1 assessment date for the assessment year in which the property is taxed;
3. the agency used the property during that assessment year to produce income;
4. the property would have been taxed if the agency did not own it; and
5. neither the agency, the state, or any other party made grants or payments in lieu of

taxes to the town under law or agreement with the town.

Towns can continue taxing the property until the assessment year in which the agency begins to use it for statutory or public purpose (**PA 03-246**, effective October 1, 2003 and applicable to assessment years beginning on or after that date).

Miscellaneous Provisions

This act:

1. allows applicants who miss filing deadlines for state-mandated and -reimbursed five-year property tax exemptions for manufacturing or service facilities, certain machinery and equipment, and commercial trucks to apply to the local municipality rather than the General Assembly for deadline waivers and bars a municipality from receiving any state payment in lieu of taxes for revenue losses from retroactive exemptions it grants;
2. allows towns to use any legal means, other than a tax lien, to collect delinquent property taxes from a state property lessee;
3. eliminates a \$5 fine for violating assessor procedural and certification requirements;
4. makes minor and clarifying changes in a 2002 law exempting a municipality from conducting its next scheduled

reevaluation if it can show through statistical calculations that the fair-market value of its properties is relatively stable;

5. reorganizes and clarifies laws concerning (a) compiling and publishing municipal grand lists, (b) taxing state property lessees, and (c) time extensions for assessors, boards of assessors, and boards of assessment appeals to complete their work; and
6. validates the Warren and Hartland assessment lists and abstracts and board of assessment appeals determinations with regard to their October 1, 2002 assessment lists and allows the towns to collect taxes based on them (**PA 03-269**, various effective dates).

Farm Building Exemption

This act authorizes a municipality, upon approval of its legislative body, to exempt from property tax up to \$100,000 of the assessed value of any building actually and exclusively used in farming, as defined by law. This exemption does not apply to farmers' homes. Farmers must apply and qualify for the exemption according to law (**PA 03-234**, effective July 1, 2003).

Use of Collection Agencies

This act allows consumer collection agencies to receive for payment, as well as collect, municipal property tax from a tax debtor on the municipality's behalf. Prior law prohibited them from receiving the tax.

The act requires agencies receiving property tax on a municipality's behalf to have an insurance policy of at least \$2 million from an insurer authorized to do business in Connecticut, providing coverage against loss of money, securities, or other property, including loss arising from any employee, officer, or director's fraudulent or dishonest act. It specifies that the municipality is responsible for ensuring the agency's compliance with this provision.

The act permits a municipality that enters into an agreement with an agency also to require it to file a bond, in a form the municipality approves and in a sum up to the total amount of property tax the municipality has requested the agency to collect. If a municipality is injured by an agency's wrongful conversion of any property taxes it receives, the act allows the municipality to proceed on the bond against the principal, surety, or both to recover damages. It deems that the bond proceeds, even if commingled with the agency's other assets, are held in trust for the municipality's benefit in the event of the agency's bankruptcy.

and are immune from attachment by creditors and judgment creditors (**PA 03-262**, effective upon passage).

Charitable Housing

This act specifies that the tax exemption for property owned by or held in trust for a federally tax-exempt, exclusively charitable organization applies to temporary housing only if it is used primarily as:

1. an orphanage;
2. a drug or alcohol treatment facility;
3. housing for homeless, retarded, or handicapped people or battered or abused women and children;
4. housing for ex-offenders or participants in Judicial Branch- or Department of Correction-sponsored programs; or
5. short-term housing where the average stay is less than six months (**PA 03-270**, effective upon passage and applicable to assessment years beginning on or after October 1, 2003).

PUBLIC EMPLOYEES

Participation in Municipal Employee Retirement System

This act authorizes an employee who earned municipal retirement credit in a town that is not a member of the Municipal Employee Retirement Fund (MERF) and then went to work

for a MERF-member town to purchase retirement credit based on the earlier service under certain conditions. It authorizes such a purchase if the non-MERF town declines to transfer the appropriate retirement contributions to MERF. It specifies the purchase must be the equivalent of (1) 2.25% or 5%, as appropriate, of the employee's salary during the service period with the non-MERF town; (2) the actuarial cost determined necessary by the state Retirement Commission to fund the increased benefits payable because of the purchase; and (3) interest of 6.5%, compounded annually, on the combined payment total of (1) and (2). Prior law permitted the non-MERF town to voluntarily transfer such funds for the employee's previous service, but there is no provision for the employee to purchase service credit.

The act prohibits any retirement credit purchased under the act from being used for two different retirements.

The act also requires the state Retirement Commission trustees to appoint a representative from MERF towns to act as a municipal liaison to the commission. The liaison will serve at the commission's pleasure under terms and conditions it sets (**PA 03-138**, effective upon passage).

PUBLIC HEALTH

Smoking Ban

This act tightens restrictions on smoking in workplaces and buildings open to the public. It bans smoking inside restaurants and other establishments with liquor permits and anywhere in state and municipal buildings and most health care institutions, and in private college and university dorms. It allows smoking anywhere in outdoor areas of restaurants that do not serve alcohol and under certain conditions in outdoor areas of establishments that do. It limits smoking in most other places where five or more people work to specially ventilated smoking rooms and restricts the number of guest rooms in hotels and motels where smoking is allowed. And it extends the current ban on smoking in public areas of retail food stores to the entire store (**PA 03-45**, effective October 1, 2003).

Ambulance Services

By law, the Department of Public Health (DPH) sets the maximum allowable rates for ambulance services. This act removes a requirement that ambulance services file with DPH an audited financial statement or an accountant's review report for the most recently completed fiscal year if they (1) do not apply for a rate increase in excess of

the Medical Care Services Consumer Price Index for the prior year or (2) accept the maximum allowable rates in a voluntary statewide rate schedule established by DPH (**PA 03-46**, effective October 1, 2003).

Sale of Nonprofit Hospitals

This act modifies the statutory process nonprofit organizations that own hospitals must follow when they sell them to for-profit entities. Under that process, the attorney general must consider how the sale would affect the community access to health care (**PA 03-73**, effective October 1, 2003).

Loans for Federally Qualified Health Centers

This act establishes a revolving loan program to provide loans to federally qualified health centers to establish pharmacies or contract pharmacy arrangements with community pharmacies or other pharmacy contractors. The program is administered by the Connecticut Health and Educational Facilities Authority, which can capitalize it with up to \$500,000. Loans cannot be made after June 30, 2008 (**PA 03-166**, effective October 1, 2003).

Local Health Directors' Authority and Immunity

This act gives district health directors the authority that municipal health directors already have to confine people they believe have or have been infected with a communicable disease or radiation. It specifies that in a declared public health emergency, municipal and district directors must comply with the public health commissioner's orders. But their authority applies even if the governor has not declared an emergency. The act establishes parallel processes for ordering and contesting quarantine and isolation orders: one that operates during a declared emergency, the other when a health director acts on his own.

Under prior law, a health director could confine someone he reasonably believed to be infected with a communicable disease or who constitutes a radiation hazard, if he determined the person posed a substantial public health threat and confinement was needed to protect public health. The act replaces the reference to radiation with the more general term, contamination. It changes the general and previously undefined term "confinement" to quarantine and isolation, and gives them the same meaning as they have during a public health emergency. And, by eliminating the existing restriction on

directors' confinement authority to cases where people are unable or unwilling to behave in a way so as not to expose others to danger, the act allows directors to isolate or quarantine a person whenever conditions warrant it, regardless of the person's behavior.

The act applies the law's current requirements for directors' confinement orders to isolation or quarantine orders and generally makes them parallel to the orders the act permits the commissioner to issue during a public health emergency. It extends, from 15 to 20 days, the period for which an order can be effective, and similarly extends the maximum duration of further confinement orders.

The act applies to local directors' decisions the same conditions for isolation and quarantine that apply when the public health commissioner confines people. It also makes most of the notice, hearing, and other due process rights and procedures that currently apply to appeals of orders directors issue when there is no declared emergency parallel those it establishes for public health emergencies.

The act applies existing state statutes governing the immunity from personal liability of state officials and employees and the duty of the state to defend and indemnify them for the costs of their defense to anyone who acts

within the scope of his practice on behalf of the state during a declared public health emergency (i.e. municipal and district health directors) (**PA 03-236**, effective upon passage).

Appeals of Local Health Director's Orders

This act gives someone aggrieved by an order of a local health director three business days, instead of 48 hours, to appeal to the Department of Public Health (**PA 03-252**, effective October 1, 2003).

Marriage Licenses

This act allows couples to obtain a marriage license from the town in which either partner lives and be married in any town in the state. Under prior law, they had to obtain the license from the clerk of the town where the ceremony was to be performed. The act also repeals requirements that (1) they be tested for syphilis and rubella before getting a license, (2) allow a probate court judge to waive this requirement in some cases, and (3) the public health commissioner adopt regulations related to this testing (**PA 03-188**, effective October 1, 2003).

Removal of Bodies

This act applies existing law governing the temporary removal of bodies from one town to

another to such removals within a town. The existing procedure requires licensed embalmers and funeral directors and registered student embalmers, when they transfer a body to another town or state, to (1) leave a temporary removal permit with the body, (2) send or give a copy of the temporary permit to the registrar of vital statistics where the death occurred, and (3) obtain a permit for permanent removal within 24 hours.

The act:

1. applies this procedure to all transfers, not just those to another town or state;
2. reduces, from 12 hours to eight hours after the body is transferred, the time for sending or giving a copy of the temporary removal permit to the registrar of vital statistics where the death occurred; and
3. increases the time for securing the permanent removal permit from 24 to 48 hours (**PA 03-188**, effective October 1, 2003).

PUBLIC SAFETY

Health Insurance for Volunteer Firefighters

This act authorizes municipalities to allow an active volunteer firefighter to enroll in a municipality's group health insurance plan if the firefighter agrees to pay 100% of the premium and any additional costs. The act applies to any

town, city, or borough that provides employees with health, accident, and hospital plan benefits.

The act also makes employees of regional emergency telecommunications centers and tourism bureaus eligible for the state-sponsored Municipal Employee Health Insurance Program (**PA 03-254**, effective October 1, 2003).

Fire Hazards

This act allows local fire marshals or police officers to order people, verbally or in writing, to vacate a building immediately when they determine there is a risk of death or injury from overcrowding, blocked exits, or indoor pyrotechnics use. A violation of the order carries a fine of \$200 to \$1,000, imprisonment for up to six months, or both.

The act gives local fire marshals the same authority current law gives the state fire marshal to seize, remove, store, dispose of, or cause removal of fireworks possessed or being kept, offered for sale, or sold illegally. It subjects anyone who illegally causes a death or injury by operating without the appropriate fireworks permit or registration to imprisonment of up to 10 years, a fine of up to \$10,000, or both.

Finally, the act requires attending physicians and health care institutions and providers

immediately to notify the local fire marshal whenever they treat any injury resulting from the use of fireworks. They must telephone the local fire marshal in the jurisdiction where the injury occurred and, within 48 hours, file a written report with the State Fire Marshal's Office on a form it provides. This provision already applies to certain types of burns (**PA 03-231**, effective upon passage).

Racial Profiling

This act requires local police departments and the State Police to give annual traffic stop reports to the African-American Affairs Commission (AAAC) pursuant to the racial profiling law. It also reinstates the requirement (which was in effect until January 1, 2003) to give annual reports to the chief state's attorney. It requires the AAAC to (1) review the traffic stop data and (2) annually, beginning January 1, 2004, report its review results and recommendations to the governor, legislature, and other entities it deems appropriate.

The act bars police from recording, in traffic-stop forms and complaints about discriminatory stops, certain personally identifying information about people stopped. This includes the person's driver's license number, name, or address. The act does not affect the recording of

characteristics such as age, race, color, ethnicity, and gender, which do not identify the individual and that the law requires (**PA 03-160**, effective upon passage).

PUBLIC UTILITIES

Energy Facility Siting

The act requires the Connecticut Energy Advisory Board (CEAB) to develop guidelines for evaluating alternative proposals for addressing the state's energy infrastructure needs. CEAB must issue a request for proposals (RFP) when the Connecticut Siting Council receives an application on or after December 1, 2004 for a certificate to build an energy facility (electric transmission line, power plant, substation, or gas transmission line) in order to identify alternative solutions. CEAB must evaluate any proposals received in response to the RFP, as well as the original application, using the guidelines it must develop. CEAB must report its findings to the Siting Council. The report becomes part of the record upon which the Siting Council must make its decision.

The act also:

1. requires an applicant for a Siting Council certificate for an energy facility, starting July 1, 2003, to pay a \$25,000 fee, which goes to an account the act establishes to

- reimburse the potential host town or towns for expenses they incur in participating in the Siting Council process;
2. in cases where the RFP prompted additional proposals, requires the council to grant a certificate to the application that represents the most appropriate alternative based on its findings and determinations;
3. extends the deadline for the council to hold its hearings and issue its decision to account for the time taken up in the CEAB review process; and
4. imposes more stringent council approval standards for underwater transmission lines and changes the decision criteria for other energy and telecommunications facilities regulated by the council, starting July 1, 2003 (**PA 03-140**, various effective dates).

Electric Restructuring

This act revises the electric restructuring law, particularly those provisions requiring electric utilities to provide service to customers who do not choose a competitive supplier. It extends, for three years, the requirement that they serve such customers and increases the maximum rate that they can charge for the service.

The act modifies the requirement that utilities provide

default service to such customers after the standard offer service requirement ends in 2007. It establishes separate pricing rules for such service provided to (1) small and medium-sized customers and (2) large customers. It requires utilities to procure power for the first group in a way that mitigates rapid changes in electricity prices.

Among other provisions, the act explicitly requires municipalities, regional water authorities, and the Connecticut Resources Recovery Authority to meet the supplier licensing conditions that apply to other entities. It also requires municipal electric utilities to establish, by October 1, 2004, rates for connecting generation facilities in their territories that begin operation after the act's passage with the utilities' transmission and distribution systems. The municipal utilities must consult with the Connecticut Municipal Electric Energy Cooperative in developing these rates (**PA 03-135**, effective October 1, 2003).

Municipal Water Utilities and Public Health Laws

This act generally exempts municipal water utilities in towns that meet narrow criteria from most of the laws governing water utilities, notably the public health laws. The criteria are that the town has (1) a population between 38,000 and 43,000

according to the 2000 census and (2) a school administration building with fewer than 75 employees that is served by a well. Groton, Shelton, and Southington meet the population criterion; it is unclear which town meets the second criterion. The act also the act requires businesses and state agencies that begin installing automatic lawn sprinkling systems on or after October 1, 2003 to equip the system with a sensor that overrides it when adequate rainfall has occurred. It allows municipalities to adopt parallel ordinances that can apply to all entities installing such systems rather than just businesses and state agencies (**PA 03-175**, various effective dates).

Utility Land Sales

This act appears to give municipalities and state agencies a right of first refusal to purchase parcels of unimproved land of less than three acres owned by a utility other than a water company proposes to dispose of. These provisions already apply to dispositions of larger parcels (**PA 03-163**, effective October 1, 2003).

STATE AID

As shown below, this act's FY 2002-03 budget modifications resulted in a \$46.06 million net reduction in state grants to towns:

Allotment Modifications Affecting Grants to Towns	FY 03
Drug Enforcement Program	\$(1,500,000)
	(12,000,000)
Waste Water Treatment Facility Host Town Grant	(118,500)
Priority School Districts	4,053,197
GENERAL FUND - Total	\$(9,565,303)
SPECIAL TRANSPORTATION FUND - Town Aid Road Grants	\$(9,000,000)
MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANT - Grants to Local Governments	(21,500,000)
TOTAL ALL FUNDS	\$(40,065,303)

The act also specifies that the modification to an allotment for a municipal grant account be applied on a pro rata basis and that no additional allotment modifications may be made to the Priority School District grant (**PA 03-2**, effective March 4, 2003).

TRANSPORTATION

Unpaid Parking Tickets

The act modifies the circumstances under which towns can participate in the Department of Motor Vehicles program that bars a person from registering or reregistering his vehicle if the has more than four unpaid parking tickets issued by the town. It also requires them to notify firms that rent or lease vehicles when issuing a second notice of violation and bars fines and penalties from accruing for 60 days after the second notice is mailed. By law, the registration denial provision does not apply to leased or rented vehicles (**PA 03-264**, effective October 1, 2003).

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