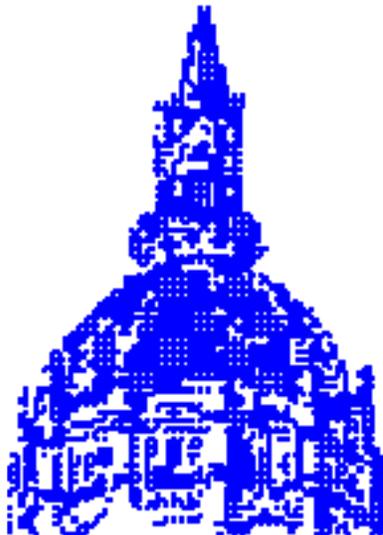


Office of Legislative Research  
Connecticut General Assembly



# Municipalities



By:  
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## **To the Reader**

This report provides highlights of new laws (public acts) affecting municipalities enacted during the 2005 regular and June 2005 special legislative sessions. At the end of each summary we indicate the public act (PA) number or, if that is not yet available, the bill number. The report does not cover special acts, some of which affect municipalities, and public acts that only affect a single municipality.

Not all provisions of the acts are included here. Complete summaries of all 2005 public acts passed will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage: <http://www.cga.state.ct.us/olr/publicactsummaries.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.state.ct.us/default.asp>.

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## **ECONOMIC DEVELOPMENT**

### ***CDA Financing***

PA 05-113 extends, from July 1, 2005 to July 1, 2008, the Connecticut Development Authority's authority to use different incremental tax revenues to repay the bonds it issued to finance different projects. The extension applies to its authority to finance brownfield remediation and information technology projects with incremental property tax revenues and large-scale projects with incremental sales, admission, and dues tax revenues.

(Effective upon passage)

### ***Small Town Economic Assistance Program (STEAP) Grants and Enterprise Corridor Zone Designation***

PA 05-194 allows towns to continue qualifying for STEAP grants when they no longer meet certain eligibility criteria. Under prior law, a town became ineligible for the grants if the state designated it a distressed municipality or a public investment community. Now, the town can remain eligible for STEAP grants for four years. The act specifies the administrative steps the town must follow in order to do so.

It tightens the criteria for designating enterprise corridor

zones and changes the point in time when the economic and community development commissioner can remove an area's corridor zone designation.  
(Effective July 1, 2005)

## **EDUCATION**

### ***Education Cost Sharing (ECS) Grants***

PA 05-245 extends the existing ECS foundation amount of \$5,891 per student for two more years, through June 30, 2007. The act also extends the current minimum expenditure requirement (MER) through June 30, 2006. The MER requires towns to spend a minimum amount on regular education programs. The act extends the current requirement that each town spend at least (1) its FY 045 MER; plus (2) any ECS aid increase; and (3) if its enrollment dropped between 2003 and 2004, an amount equal to the decrease multiplied by one-half the foundation amount.

By law, districts that receive increases in ECS grants over the prior year may not use the increase to supplant local funding for education. The act makes the non-supplant prohibition more explicit by requiring that the budgeted education appropriation of any town that receives an increase in ECS funding to be at least the amount the town appropriated for education in the previous year

plus the ECS increase. It imposes a penalty on any town with a K-12 school district or any regional school district that the State Board of Education (SBE) finds has violated these requirements in any fiscal year. The penalty requires the district to forfeit twice the amount of any shortfall.

SDE can waive the penalty (1) if the district agrees to increase its budgeted education appropriation for the year in which the forfeiture would occur by at least the forfeiture amount or (2) for good cause. If the district agrees to spend additional funds to avoid forfeiture, the extra funds do not count towards its future MER.

(Effective July 1, 2005)

**ECS Grants for FY 05.** As part of the FY 05 ECS grant allocation formula, PA 04-254 required every town except Winchester to receive an FY 05 grant that was at least the greater of its (a) FY 03 grant or (b) FY 04 grant plus 0.07%. PA 05-2 changes the percentage to 0.7%, thereby raising minimum grants to match the ECS grant appropriation in the FY 05 budget.

(Effective upon passage)

**ECS Grant Allocations for FY 06 and FY 07.** For FY 06 and FY 07, PA 05-245 requires each town to receive an ECS grant equal to its FY 05 grant plus 2%. For each of the two fiscal years, the act also increases grants by

specified amounts for each town. The increase amounts are listed in the act.

(Effective upon passage)

### **School Construction Grants**

This act authorizes \$605 million in state grant commitments for 49 school construction projects and \$101 million in increased grant commitments for 28 previously authorized projects that have changed substantially in cost or scope.

The act establishes two grant programs for state charter school capital projects, one to provide financing for facility upgrades and debt repayment and the other a pilot grant to one charter school for FY 06 to fund the purchase and renovation of a building for use as a charter school facility. It authorizes \$10 million in bonding over two years to fund the facility upgrade and debt repayment grants.

It also:

1. restricts increases in certain types of professional or consulting fees during a state-assisted school construction project;
2. sets acoustical standards for school building projects and provides for limited exemptions from those standards;
3. exempts very small school districts from standard space specifications for

- state-assisted school projects;
4. allows regional school districts to issue bond anticipation notes with longer terms under certain conditions; and
  5. extends through FY 07 an authorization for a grant for Hartford school students to participate in all-day kindergarten programs in other districts.

The act:

1. adds several projects to the 2005 priority list, and
2. exempts various local school projects from state laws and regulations to make them eligible for state reimbursement under the school construction grant program.

Finally, the act also establishes a task force to study the long-term capital needs of charter and other public schools, and the process for funding charter schools' capital needs. The task force must report to the Education and Finance, Revenue and Bonding committees by January 1, 2006.

**(SB 2002**, effective upon passage, except for the exemption from standard space specifications for very small districts, changes in regional school district temporary bond anticipation notes, and the charter school construction grants and bond authorization, which are effective July 1, 2005)

### ***School Construction Grant Bonuses***

In general, the state reimburses schools districts for from 20% to 80% of the eligible costs of school construction projects. Some types of projects are eligible for higher reimbursement.

PA 05-245 expands an existing 10-point bonus for school construction projects in priority school districts or priority schools to include those needed for full-day preschool programs. In order to receive the bonus for a pre-school project, eligible districts must agree to maintain the full-day programs for at least 10 years.

It also requires school districts that receive an existing five-point bonus for new or expanded space for a school readiness program to maintain full-day preschool enrollment for a minimum of 10 years after receiving the bonus. The five-point bonus is available for projects for new or expanded elementary school buildings that include space for school readiness programs.

(Effective July 1, 2005)

### ***Proportional Education Grant Reductions***

PA 05-245 extends for an additional two years, through FY 07, the requirement that various special education reimbursement grants to school districts for special education costs be

proportionately reduced if the appropriation for the grants is insufficient to pay all grants in full. But it excludes grants to reimburse districts for 100% of special education costs for students who are live on state-owned or -leased property and receive special education services from local school districts. Thus, under the act, the state must pay those grants in full.

For FYs 06 and 07, the act also requires proportional reductions in the following education grants to school districts if the total state appropriation is less than required to pay the full reimbursement to all towns:

1. grants for health services for student attending private, nonprofit schools;
2. school transportation for public and private school students;
3. adult education grants; and
4. regional educational service center (RESC) lease cost and operating grants.

(Effective July 1, 2005)

### ***Magnet School Supplemental Grants***

PA 05-245 makes permanent the education commissioner's authority to provide, as she determines and within available appropriations, supplemental operating grants to interdistrict magnet schools for enhancing

educational programs in the schools.

(Effective upon passage. HB 7502, effective July 1, 2005, specifies that the grants may also be used for summer school programs at the schools.)

### ***Magnet School Program Administration***

PA 05-245 eliminates a provision allowing SDE to retain a percentage of the appropriation for magnet school operating grants for program administration and evaluation. HB 7500 restores the provision, but reduces the maximum amount SDE may retain from 1% to 0.5% of the total magnet school operating grant appropriation.

(Effective July 1, 2005)

### ***Funding Formula For RESC-Operated Magnet Schools***

PA 05-245 establishes separate per-student grants for RESC-operated interdistrict magnet schools that are not tied to the ECS foundation amount. Under current law, state per-pupil grants for all interdistrict magnet schools are based on percentages of the ECS foundation.

Under the act, if students from a single town constitute less than 55% of a RESC-operated magnet school's total enrollment, its per-pupil grant is set at \$6,250 for FY 06 and \$6,500 for FY 07 and subsequent years. If

55% or more of a school's students come from a single town, the school's operating grant must be at least \$3,000 per-pupil in FY 06 and all subsequent years.

(Effective July 1, 2005)

**Priority School District Grant Distribution**

For FY 06 and FY 07, PA 05-245 directs distribution of priority school district grants as follows:

<b>GRANT</b>	<b>FY 06</b>	<b>FY 07</b>
Priority School Districts	\$34,538,308	\$35,862,269
School Readiness	\$48,516,500	\$51,006,500
Early Reading Success	\$19,747,286	\$19,747,286
Extended School Building Hours	\$2,994,752	\$2,994,752
School Accountability	\$3,499,699	\$3,499,699

(Effective July 1, 2005)

**Priority School Grant Revisions**

This act adjusts the priority school district grant fund allocations specified in PA 05-245 for priority school districts and school readiness grants for FY 06 and FY 07 as follows:

<b>GRANT</b>	<b>FY 06</b>	
	<b>PA 05-245</b>	<b>This act</b>
Priority School Districts	\$34,538,308	\$34,925,166
School Readiness	48,516,500	48,129,642

<b>GRANT</b>	<b>FY 07</b>	
	<b>PA 05-245</b>	<b>PA 05-245</b>
Priority School Districts	\$35,862,269	\$36,513,547
School Readiness	51,006,500	50,355,222

Funds allocated to early reading success, extended school building hours, and school accountability grants remain unchanged.

(**HB 7502**, effective July 1, 2005)

**Additional Funds For Three Priority Districts**

PA 05-245 requires SBE to allocate \$2,039,686 for FY 06 and \$2,610,798 for FY 07 to the three priority school districts with the largest populations (Bridgeport, Hartford, and New Haven). The allocation is in addition to other priority school grant money the districts' receive.

(Effective July 1, 2005)

### ***School Readiness Grants For Priority And Former Priority Districts***

By law, no priority or former priority district can receive a school readiness grant that is less than it received in the previous year or less than \$150,000. PA 05-245 requires any supplemental grants a district received for FY 05 to count as part of the previous year's grant when determining the hold-harmless level.

(Effective July 1, 2005)

### ***Grants to Districts "In Need of Improvement"***

The act also authorizes the education commissioner to provide grants to boards of education for districts identified as "in need of improvement" by the statewide accountability plan required by the federal No Child Left Behind Act. The grants must be used for the creation and acquisition of and training in the use of new curricula and related supporting materials, as authorized by the commissioner. Under the act, boards must apply for the grants at such time and in the manner prescribed by the commissioner, who is also responsible for determining the grant award amount.

(PA 05-245, effective July 1, 2005)

### ***School Readiness Competitive Grants***

The act extends the school readiness competitive grant program to towns that are among the 50 poorest rather than the 28 poorest districts that are not considered priority school districts.

By law, to receive a grant, a town must convene a local school readiness council or establish a regional council with other towns. The act adds a representative of a health care provider in the community to each council.

(PA 05-245, effective July 1, 2005)

### ***Changes To Special Education Definition***

PA 05-245 makes a change to the method used for calculating special education grants and specifies that boards must deduct special education grants and tuition payments received by the town, as well as the board.

(Effective July 1, 2005)

### ***9<sup>th</sup> – 10<sup>th</sup> Grade Technology Pilot Program***

The act allows the SDE to, within available appropriations, establish a pilot program for 9<sup>th</sup> and 10<sup>th</sup> grade students in the public schools for the use of technology in providing computer assisted writing, instruction, and testing. Grant funds may be used for computer hardware and

software, professional development, technical consulting assistance, and other related activities.

(PA 05-245, effective July 1, 2005)

### ***Open Choice Programs***

The act allows the education commissioner, within available appropriations, to give grants to RESCs providing summer school educational programs for students who participate in the statewide interdistrict “Open Choice” school attendance program. To be eligible for a grant, the summer school programs must be approved by commissioner.

(HB 7502, effective July 1, 2005)

For FY 05, the act allows the education commissioner to provide grants for Hartford students to participate in all-day kindergarten programs under the Open Choice program. In addition to the subsidy provided to the receiving school district, the act allows grants to be used to pay for before- and after-school care and remedial services for the kindergarten students in the program.

(PA 05-245, effective July 1, 2005)

### ***Education Funding For Tribal Agency Placed Children***

The act requires the state to reimburse school districts for the

costs associated with educating a child placed by a tribal government in the same way it reimburses for those placed by state agencies.

(PA 05-245, effective July 1, 2005)

### ***Certification Requirements For Bilingual Educators***

This act temporarily changes certification requirements for new bilingual education teachers. The changes remain in effect for three years, from July 1, 2005 to July 1, 2008. As of July 1, 2008, the current requirements will once again apply.

(PA 05-290, effective July 1, 2005)

### ***Transmittal Of Information To The Teachers' Retirement Board***

By law, school districts must withhold Teachers' Retirement System members' retirement contributions from their salaries and transmit them electronically to the Teachers' Retirement Board (TRB) . This act requires districts to transmit any reports and other supporting information that TRB requires with the contributions. If a district fails to do so, the act allows TRB to treat the contribution as late and to charge the district interest at the rate of 9% per year.

(PA 05-153, effective July 1, 2005)

### ***School Nutrition (Vetoed)***

PA 05-117 requires a 20-minute minimum period of physical exercise for students in full day kindergarten through grade five, in addition to any physical education requirements. It generally limits the beverages that may be offered in schools and requires boards of education to implement and enforce an SDE-published list of recommended foods that may be the only foods offered for sale to students at schools.

(Effective July 1, 2005)

### ***Food Allergies And Schools***

This act requires the SDE, in conjunction with the Department of Public Health, to develop guidelines for managing students with life-threatening food allergies and make them available to boards of education by January 1, 2006.

By July 1, 2006, boards of education must implement a plan, based on the guidelines, for students with life-threatening food allergies enrolled in schools in their jurisdictions.

(PA 05-104, effective upon passage)

### ***Minor Revisions To The Education Statutes***

This act expands the circumstances under which the Department of Children and Families commissioner must

notify a school district superintendent about a school employee holding SBE-issued teaching credentials the commissioner believes has abused a child. By law, the superintendent must suspend the employee upon receiving the notice.

The act also expressly requires local and regional school boards that loan assistive devices to public school students to do so for free, and allows boards to prescribe rules and regulations for the care and use of the devices. These devices help people with disabilities increase, maintain, or improve their functional capabilities.

(PA 05-257, the assistive device provision is effective July 1, 2005 and the changes in the notice to superintendents are effective January 1, 2006)

### **ENVIRONMENT**

#### ***Third-Party Liability For Contaminated Property***

This act relieves a property owner of liability, except to a state or the federal government, for costs or damages resulting from pollution that occurred or existed before he took title to the property, if (1) in the Department of Environmental Protection (DEP) commissioner's determination, the owner did not pollute state waters; (2) the owner did not create any other pollution or source of pollution; (3) the owner is not affiliated with

the person responsible for the pollution; and (4) the commissioner has approved pollution investigation and remediation reports. Thus, under the act, an owner would no longer be liable to a municipality for its costs under these circumstances.

The act requires a property owner to send to adjoining landowners (1) notice he is going to investigate or remediate his property, and (2) the investigation and remediation reports.

It specifies when an owner may be found liable for pollution, and imposes a civil penalty on a property owner affiliated with a person responsible for polluting his property.

An innocent landowner who complies with the act cannot be held liable to the state for costs or damages in an amount greater than that for which he would be liable under a lien imposed against his property. These provisions are in addition to the protections already provided to innocent landowners.

(PA 05-90, effective October 1, 2005)

### ***Minimum Water Flow Regulations***

This act requires the DEP commissioner to revise minimum flow regulations for all streams where a dam impounds or diverts the water flow. It expands the scope of these regulations to all such streams, rather than just

those DEP has stocked with fish. The act subjects municipally-owned dams to the new regulations and exempts from them certain flow management plans.

(PA 05-142, effective October 1, 2005)

### ***General Permits For Minor Activities***

By law, the DEP commissioner may issue a general permit for certain minor activities in a stream channel . Under prior law, the permit required an applicant to send written notice to the DEP and certain local agencies and commissions at least 60 day before starting the activity. Prior law allowed any person, inland wetlands agency, planning and zoning commission, or conservation commission to submit written comments to the commissioner about the proposed activity no later than 25 days before it was to begin.

Under the act, the general permit may, but does not have to, require that the applicant give written notice. For any such notice that is required, the act eliminates the (1) requirement that it be sent at least 60 days before beginning the activity, (2) need for the applicant to notify DEP, and for DEP to notify the public; and (3) opportunity for any person, inland wetlands agency, planning and zoning commission, or conservation

commission to submit written comments to the commissioner.

(**PA 05-174**, effective October 1, 2005)

## **HOUSING**

### ***Disabled People Living in Elderly Housing Projects***

This act requires (1) state social service agencies to assist local housing authorities to identify and access their services and (2) several departments to develop plans detailing their outreach efforts, available services, and crisis intervention activities.

The act also requires a comprehensive assessment of rental assistance needs for state-assisted elderly and disabled housing projects and a comprehensive inventory of all state and federally assisted housing in the state.

(**PA 05-239**, effective upon passage, except for the requirements concerning the inventory are effective July 1, 2005.)

### ***Landlord Identification***

This act allows municipalities to require nonresident owners of rental property, or their agents, to maintain their current residential addresses on file in the municipality where the property is located. The owner or his agent must inform the municipality when his residential address changes.

Violators commit an infraction. Additionally, any municipality may, by ordinance, establish a civil penalty for noncompliance with the address reporting requirement. The amount of the penalty may not exceed \$250 for the first violation and up to \$1,000 for subsequent violations. Any person who is assessed a civil penalty may appeal to the Superior Court.

(**PA 05-223**, effective October 1, 2005 for the provisions allowing towns to require nonresident owners to maintain their current address on file and upon passage for establishing a penalty for noncompliance with the address provisions.)

## **GOVERNANCE**

### ***Special Taxing Districts***

New laws allow special taxing districts to implement tick control measures and install sound barriers.

(**PA 95-106**, effective upon passage, and **PA 05-289**, effective October 1, 2005, respectively)

## **LAND USE**

### ***Plans Of Conservation And Development***

This act makes many changes in the requirements and processes for preparing state, regional, and local land-use plans. It requires the State Plan of Conservation and Development

(Plan of C&D) to target development funding. It requires regional planning agencies to revise their existing plans of development by July 1, 2008 and at least once every 10 years. It modifies the process for adopting these plans and requires them to (1) identify any inconsistencies with six growth management principles, which are included in the current state Plan of C&D and (2) note on the record any inconsistencies with that plan and the reasons for them. It expands the contents of local plans of C&D, requires them to address specified growth management principles, modifies the process for adopting the plans, and establishes a process under which anyone may request plan changes.

(PA 05-205, effective July 1, 2005, except for a validating provision and related provisions)

### ***Wetland Buffers and the "490" Program***

This act makes many changes to the "490" program, in which eligible farm, forest, or open space land is assessed based on its current use, rather than its full market value. Among other things, the act modifies when transactions involving the land or changes in its use make it subject to a conveyance tax.

Under the act, if an inland wetland agency permit requires that land serve as a buffer (thereby subjecting it to development restrictions), the

municipality must assess the land as though it were wetlands.

(PA 05-190, the wetland provision is effective upon passage and the 490 program provisions are effective July 1, 2005)

### ***New Farmland Preservation and Affordable Housing Fund***

The legislature created new locally-administered farmland preservation programs and a \$30 document recording fee to fund them and several existing farmland, housing, historic preservation, and open space acquisition programs. The towns keep \$3 of the fee to fund local capital improvement projects. The remaining funds are divided among new and existing grant programs, including a matching grant program for towns to (1) help farmers improve their operations and (2) acquire open space land.

The legislature also allowed towns to exempt up to \$100,000 of the assessed value of agricultural buildings used to house seasonal agricultural employees and create quasi-public authorities to help preserve land for farming, recreation, and open space uses.

(PA 05-228, effective July 1, 2005 except for the tax exemption, which is effective upon passage and applicable to

assessment years beginning on or after October 1, 2005. **HB 7502** makes all the sections of **PA 05-228** effective October 1, 2005.)

### ***Enforcement of Conservation and Preservation Restrictions:***

The act prohibits anyone from filing a permit application with a state or local land use agency, a local building official, or director of health, relating to property that is subject to a conservation or preservation restriction, unless the applicant shows proof that he provided written notice of the application to the restriction holder at least 60 days before filing the application. It creates a process for allowing permit work, disapproving the permit if the restriction holder proves the work does not comply with the restriction, and reversing permit approval when an applicant fails to provide notice.

The act specifies that the attorney general may bring an action in Superior Court to enforce public interest in conservation and preservation restrictions.

(**PA 05-124**, effective October 1, 2005, except that the provision regarding the attorney general is effective July 1, 2005)

### ***Developments Near Large Lakes***

This act repeals, as of October 1, 2006, a law that bars certain developments within 2,000 feet of

a lake that is larger than 500 acres. Under the current law, municipal zoning regulations cannot permit the construction of structures, accessory structures, or improvements having a total area of 12,000 square feet in such areas. The act significantly restricts the scope of the law until October 1, 2006.

(**PA 05-283**, effective upon passage except for the repealer, which is effective October 1, 2006)

### ***Approval of Vehicle Dealerships and Repairers Locations***

Under prior law, someone who applied for a motor vehicle dealer or repairer license had to present the Department of Motor Vehicles with a certificate of location approval from the appropriate local authority designated by local charter, regulation, or ordinance. In a municipality with a zoning commission, combined planning and zoning commission, and zoning board of appeals, the certificate had to come from the board of appeals. In addition, the certificate had to have been approved by the local chief of police, if any, or the commander of the state police barracks nearest the proposed location if none.

SB 1116 eliminates the requirement for police approval of a location certificate and, when the municipality has a zoning commission, combined planning and zoning commission, and

zoning board of appeals, it requires the location approval certificate to be issued by the zoning commission instead of the board of appeals.

(Effective October 1, 2005)

### ***Zoning For Community Residences For People With Psychiatric Disabilities***

The act requires local zoning regulations to treat as single family homes state-funded community residences housing six or fewer people receiving mental health or addiction services and necessary staff. It establishes a process through which residents can petition the state to withdraw funding if a home violates state laws and regulations.

(**HB 7000**, effective July 1, 2005)

### ***Geospatial Information Systems (GIS) Council***

The act establishes a 21-member council to coordinate, within available appropriations, a GIS capacity for the state, regional planning agencies, municipalities and others as needed. The council includes municipal and regional representatives. The council must, within available appropriations, provide technical assistance to towns and regional planning agencies for developing GISs.

(**HB 7502**, effective upon passage)

### ***Land Use Education***

The act requires the OPM secretary to report on the land use training and education programs available to members of local land use agencies and the extent to which members participate in them. He may include any recommendations for improving or expanding the programs, including recommendations for changing state law. In preparing the report, the secretary must consult with regional councils of governments, regional planning agencies, and others.

(**HB 7502**, effective upon passage)

### ***MUNICIPAL EMPLOYEES***

#### ***Health Insurance Coverage for Retired Employees***

This act expands eligibility for the Municipal Employee Health Insurance Program to (1) individuals eligible for a retirement benefit from the Connecticut municipal employees' retirement system and (2) federally qualified nonprofit corporations that have contracts with the state or receive any public funding, or have federal 501(c)(5) tax-exempt status (e.g., labor unions).

(**PA 05-238**, these provisions effective upon passage.)

### ***Post-Employment Health And Life Benefit Systems***

This act expressly allows municipalities to establish, by ordinance, and finance and maintain post-employment health and life benefit plans and other post-employment benefits (OPEBs) for former municipal officials and employees and their beneficiaries. OPEBs are benefits, other than pensions, that a municipality provides to retirees and former employees. They can include medical insurance and vision, dental, life insurance, or long-term care benefits.

The act states that its new authority to establish OPEBs does not invalidate any municipal post-employment health and life benefit system established before its effective date under any public or special act, charter, home-rule or local ordinance, or local law. The act also specifies that it does not affect a municipal legislative body's authority to create a loss and retiree benefit reserve fund.

**(PA 05-202**, effective October 1, 2005)

### ***Minimum Wage***

This act increases the state's minimum hourly wage from \$7.10 to \$7.40 on January 1, 2006 and to \$ 7.65 on January 1, 2007.

**(PA 05-32**, effective October 1, 2005)

### ***Civil Unions***

This act authorizes same sex couples to enter into civil unions, granting them the same legal benefits, protections, and responsibilities as married couples. It (1) restricts civil unions to couples over age 18, (2) exempts people authorized to perform civil union ceremonies from liability for failing or refusing to do so, and (3) requires town clerks to give civil union license applicants copies of the relevant laws. Otherwise, the act's substantive provisions and penalties are identical to current marriage statutes.

The act also defines "marriage" as the union of one man and one woman.

**(PA 05-10**, effective October 1, 2005)

### ***Workers' Compensation for Police Officers***

This act expands workers' compensation coverage for a police officer who uses deadly force or is the target of the attempted use of deadly force while in the line of duty. An officer subjected to attempted deadly force must reasonably believe he was at risk of physical injury from its use. Under current law, mental and emotional injuries are compensable for police (or any other employee) only if they arise

from a physical injury. It also limits who can treat these injuries.

(PA 05-208, effective July 1, 2005)

### ***Insurance Coverage for Breast Cancer Ultrasound Screening***

This act requires individual and group health insurance policies to cover physician-recommended comprehensive ultrasound screening of an entire breast or breasts for a woman classified as a category 2, 3, 4, or 5 on the American College of Radiology's Breast Imaging Reporting and Database System, subject to any policy provisions applicable to other covered services.

(PA 05-69, effective October 1, 2005)

### ***Insurance Coverage for Infertility Treatment***

This act requires individual and group health insurance policies to cover medically necessary expenses incurred for diagnosing and treating infertility. Individuals and religious employers can exclude infertility coverage if it is contrary to their religious tenets. The act specifies coverage limits.

A policy can require that services be performed at facilities that conform to the standards and guidelines developed by the American Society for

Reproductive Medicine or the Society of Reproductive Endocrinology and Infertility.

(PA 05-196, effective October 1, 2005)

### ***Exemptions to the Freedom of Information Act for Public Employees***

The act requires, rather than allows, municipal and state agencies to keep the home addresses of police officers and certain other public officials confidential, and expands the prohibition to all public agencies' own officials and employees. It does not prohibit disclosure of home addresses by agencies other than those for which the officials or employees work. It does not exempt from disclosure home addresses (1) of elected officials or (2) listed on a grand list, tax delinquency list, elector registration or enrollment form, voting list, or any record the law requires be made public.

(PA 05-278, effective on passage)

## **PROPERTY TAXES**

### ***Waiver Of Interest On Taxes For Spouses Of Certain Military Personnel***

The act authorizes a municipality, by ordinance, to waive interest due on any property tax or tax installment for up to one year for real property assessed on the 2003 grand list for a resident who lives

with and is the spouse of a member of the U.S. Armed Forces or of any state or reserve component thereof who was called to active service for military operations authorized by the President entailing military action in Iraq and who is serving in the Middle East on the final day that the property tax or tax installment is due.

(**HB 7502**, effective upon passage)

## **PUBLIC HEALTH**

### ***Public Health Preparedness***

This act places emergency medical technicians (EMTs) and paramedics who are part of the (1) Connecticut Disaster Medical Assistance Team or the Medical Reserve Corps under the auspices of the Department of Public Health or (2) Connecticut Urban Search and Rescue Team under the Department of Public Safety, under the active surveillance, medical control and direction of the chief medical officer of such team or corps while involved in officially authorized civil preparedness duty or training.

The act specifies that the scope of practice of EMTs certified or licensed at the-basic, intermediate, and paramedic levels can include treatment modalities not specified in state regulations if they are (1) approved by the Office of Emergency Medical Services Medical Advisory Committee and

DPH commissioner and (2) administered at the medical control and direction of a sponsor hospital.

(**PA 05-259**, effective upon passage)

### ***Revisions To Department Of Public Health Statutes***

The law requires each local or regional school board to report to the local health department and Department of Public Health (DPH) the number of pupils per school and per district with an asthma diagnosis as recorded on the required student health assessment forms. By law, students must undergo health assessments at the time of enrollment, in either grade six or seven, and in either grade 10 or 11. This act requires local and regional school boards to report on pupils diagnosed with asthma, regardless of whether it is recorded on the health assessment form.

By law, DPH sets the maximum allowable rates for ambulance services. Requests for rate increases can be made no more than once a year. The act requires DPH to immediately amend the ambulance services' rate schedule when its maximum allowable rates fall below its Medicare allowable rates so the rates are at or above the Medicare allowable rates.

The act also directs the registrar of vital statistics of a town to issue a permit for

disinternment upon an order of a probate judge.

**(PA 05-272**, the asthma provision is effective October 1, 2005, the other provisions are effective upon passage)

## **PUBLIC SAFETY**

### ***Evidence Tampering, Perjury And False Statements By Police Officers***

This act authorizes the Police Officer Standards and Training Council (POST) to cancel or revoke a police officer's certificate if he is found by a law enforcement unit, pursuant to its procedures, to have committed an act that constitutes the crime of (1) tampering with or fabricating evidence, (2) perjury, or (3) 2<sup>nd</sup> degree false statement.

The act (1) specifies that POST provide notice of the hearing afforded to the officer by law, (2) requires POST to have a de novo review (take a fresh review of the evidence), and (3) requires finding any basis for cancellation or revocation by clear and convincing evidence.

The act also makes changes in the law that entitles a state or local police officer who takes a leave of absence or resigns to participate in certain international peacekeeping operations to (1) the position he held when he took the leave or (2) an equivalent position if his job is unavailable.

**(PA 05-200**, effective October 1, 2005 except the provisions on

international peacekeeping, which are effective upon passage.)

### ***Restrictions On Mini-Motorcycles***

This act prohibits anyone from operating or riding as a passenger on a mini-motorcycle or, as the owner of such a vehicle, allowing someone to operate or ride as a passenger on one on any highway, public sidewalk, or public property in the state. It also prohibits operation on private property without the property owner's written permission.

The act designates violations of any of its provisions as infractions and requires that the police impound the mini-motorcycle for 48 hours for illegal operation. It does not preclude municipalities from adopting more restrictive limitations on the use, sale, lease, or rent of mini-motorcycles.

**(PA 05-173**, effective October 1, 2005)

### ***Payment For Services Provided By Volunteer Fire Companies***

The act requires the state fire administrator, within available funds, to administer a supplemental grant award remittance program to support volunteer fire companies that provide emergency response

services on any limited access highway or section of that highway.

(**HB 7502**, effective July 1, 2005)

### ***Fire Extinguishing Systems in Schools***

By law, each floor of any building project classified as an educational occupancy, eligible for school construction project grants, and put out to bid on or after July 1, 2004 must have an automatic fire extinguishing system approved by the state fire marshal. This act allows the state fire marshal and state building inspector jointly to grant variations or exemptions from, or approve equivalent or alternate compliance with, this requirement if:

1. strict compliance would entail practical difficulty or unnecessary hardship or is otherwise considered unwarranted;
2. both officials approve and, in their opinion, their action, will secure the public safety; and
3. the town where the project is located complies with all other building and fire code safety requirements for the project.

(**PA 05-31**, effective upon passage)

### ***Carbon Monoxide Detectors in New Homes***

PA 05-161 requires one- and two-family dwellings to be equipped with carbon monoxide (CO) detectors and warning equipment complying with the state Fire Safety Code if they (1) are issued a permit for new occupancy after September 30, 2005 and (2) pose a risk of CO poisoning.

The act requires the code to provide for CO detection and warning equipment in such buildings. The code must include requirements and specifications for installing such equipment and provisions that address placement, power requirements, and standards for such equipment. It must also include exemptions for buildings that do not pose a risk of CO poisoning because they rely solely on systems that do not emit CO.

The act prohibits the issuance of a certificate of occupancy to any non-exempt one-and two-family dwelling issued a permit for new occupancy after September 30, 2005, unless the local fire marshal or building official certifies that the building is equipped with CO detection and warning equipment complying with the Fire Safety Code.

(Effective upon passage.)

### ***E-911 Funding***

This act increases (1) the number of towns eligible for enhanced subsidies under the enhanced 911 program and (2) funding under two other components of the program. Funding for the program comes from a surcharge on telephone lines.

(PA 05-31, effective July 1, 2005)

### **PUBLIC UTILITIES**

#### ***Municipal Utility Conservation Programs***

Among other provisions, HB 7501,

1. sets a floor on municipal electric utility expenditures on conservation and load management programs, phased in over five years;
2. exempts gas pipelines that have a design capacity of less than 20% of its specified minimum yield strength from the Siting Council's jurisdiction, thereby subjecting them local planning and zoning regulation, and
3. modifies who can file a claim for a property tax exemption for air or water pollution control equipment and structures and establishes procedures for continuing the exemption, under certain conditions, when

the ownership of the equipment or structure changes.

(Effective upon passage.)

### **PUBLIC WORKS**

#### ***Owner-Controlled Insurance Programs On Construction Projects.***

This act prohibits contracts to build, alter, or repair public buildings or works from allowing or requiring a municipality (or the state) to maintain an owner-controlled insurance program ("OCIP"), with two exceptions. Exempted from the prohibition are (1) one or more municipal projects totaling \$100 million or more that is either under the supervision of one construction manager or located within a municipality's boundaries if under the supervision of two or more construction managers or (2) any project approved as a "UConn 2000" infrastructure improvement project.

The act requires each principal or contractor to disclose in its project plans or specifications when soliciting bids that the project will be covered by an OCIP. It also specifies requirements for an OCIP contract or insurance policy

The act defines an OCIP as an insurance procurement program where a principal provides and consolidates insurance coverage for one or more contractors or

one or more construction projects.

The act also limits the bonding requirement for contracts exceeding \$50,000 to the state and municipalities, instead of the state and any of its political subdivisions.

(PA 05-193, effective upon passage)

### ***Bond On Construction Or Public Works Projects***

This act raises, from \$50,000 to \$100,000, the threshold above which a state or municipal construction contract must require the contractor to furnish a bond to guarantee payment to subcontractors providing labor or material. The requirement applies to contracts for constructing, altering, or repairing state or municipal buildings or public works projects.

(PA 05-38, effective October 1, 2005)

### ***Surety Bonds From Certain Contractors***

Under this act, if a municipality fails to obtain the required bond from its general contractor to pay anyone not paid by the contractor for work or materials supplied under the public works contract, the unpaid subcontractor or supplier may sue the municipality in the same way that he may sue a surety company for payment. The act states that it must not be

construed to extend liability to the state for anyone's right to be paid or to constitute a waiver of the state's sovereign immunity.

The act limits the circumstances under which a general contractor or subcontractor must deposit disputed funds into an escrow account to those in which it has failed to obtain a surety bond.

(PA 05-229, effective upon passage)

### ***Prevailing Wage***

This act specifies the state prevailing wage law applies to people *doing the work of* mechanics, laborers, or workers on prevailing wage projects. The change means that these employees will be paid for the type of work they do whether or not they are independent contractors. Prior law covered any mechanic, laborer, or workman who was "employed" on the project. By law, contractors must pay the prevailing hourly wage, as determined by the state Labor Department, to all employees on state and municipal construction jobs above a certain dollar threshold.

(PA 05-50, effective October 1, 2005)

## **STATE AID**

### ***Bond Authorizations, Housing Trust Fund, and Municipal Water Authorities***

For the FY 06-07 biennium, this act authorizes additional state general obligation bonds for various programs. They include \$150 million for urban development projects under the Urban Act, \$60 million for local capital improvement projects for cities and towns, \$40 million for the Small Town Economic Assistance Program (STEAP), and \$18 million for farmland preservation. The act also authorizes \$100 million in revenue bonds for Clean Water Fund projects.

The act expands eligibility for STEAP and gives Enfield an extra Clean Water Fund grant to pay additional costs for upgrading its wastewater treatment plant.

The act creates a Housing Trust Fund and authorizes the State Bond Commission to capitalize it by issuing up to \$100 million in bonds, with \$20 million effective each July 1, from 2005 to 2009. It establishes a Housing Trust Fund Program to expand affordable housing opportunities for low- and moderate-income people and requires the bond proceeds to be used for this purpose.

It requires the Department of Economic and Community Development to develop and administer the program,

including adopting regulations and forming a Housing Trust Fund Program Advisory Committee, the membership of which the act details.

The act allows large municipalities to create water authorities and to transfer all or part of their water systems to it. It establishes procedures for creating such authorities and establishes their powers, tax status, rights, and liabilities.

**(SB 2001**, effective July 1, 2005, except the following provisions, which are effective on passage (1) the grant for Enfield; (2) the regulations the DECD commissioner must adopt for rating proposals for funds under the housing trust fund program and may adopt for the program as a whole; and (3) the establishment of the housing trust fund advisory committee.)

### ***Real Estate Conveyance Tax***

The act extends the current 0.25% municipal real estate conveyance tax rate for two years, until July 1, 2007. Under prior law, the rate was scheduled to drop to 0.11% on July 1, 2005.

The act also allows the 18 towns that currently have the option to add a flat 0.25% to their basic municipal conveyance tax rate the option of adding a lower percentage. The towns are: Bloomfield, Bridgeport, Bristol, East Hartford, Groton, Hamden, Hartford, Meriden, Middletown, New Britain, New Haven, New

London, Norwalk, Norwich, Southington, Stamford, Waterbury, and Windham.

(**PA 05-268**, effective upon passage)

## **TRANSPORTATION**

### ***Funding For Dial-A-Ride Programs***

The act requires the Transportation Strategy Board (TSB) to spend \$ 5 million in FY 06 and \$ 5 million in FY 07 for purposes of the state matching grant program for municipal demand responsive transportation programs for the disabled and those age 60 and older (dial-a-ride). It requires any funding allocated to a municipality that chooses not to apply for it to be returned to the TSB projects account in the Special Transportation Fund instead of to the General Fund.

(**SB 2000**, effective July 1, 2005)

### ***Transportation Networks To Serve The Elderly***

The act requires the Department of Social Services commissioner, within existing budgetary resources, to provide \$100,000 for grants of \$25,000 each for FY 06 to up to four towns with populations of at least 25,000 or nonprofit organizations located in them.

The grants must be used to develop and plan financially self-sustaining, community-based

regional transportation systems that, through a combination of private donations and user fees, provide transportation to elderly persons. Before receiving the grant, a municipality selected to receive it must demonstrate to the commissioner's satisfaction that it has secured at least \$25,000 in matching private funds for this purpose.

(**SB 7000**, effective upon passage)

## **MISCELLANEOUS**

### ***Mashantucket and Mohegan Fund***

For FY 06, HB 7502 distributes one-third of the \$4.8 million increase (\$1.6 million) in the appropriation to the Mashantucket Pequot and Mohegan Fund to towns that are members of the Southeastern Connecticut Council of Governments and to distressed municipalities that are members of the Northeastern Connecticut Council of Governments or the Windham Area Council of Governments. The eligible towns are: Killingly, Putnam, Windham, Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Montville, New London, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, Voluntown, and Waterford. The distribution must be proportional based on the payments each received in FY 06.

The act also allocates \$250,000 for FY 06, to Ledyard, Montville, Norwich, North Stonington, and Preston from the fund. It increases this allocation to \$750,000 for FY 07 and following years. Beginning in FY 07, it terminates the annual \$500,000 additional grants these towns currently receive.

Both the distribution of one-third of the FY 06 increase and the allocation to the five towns are in addition to the grants already paid to the municipalities from the fund, are paid before other grants from the fund, and must not be reduced proportionately if the total payable to each municipality is more than the amount appropriated for the grants that year.

(Effective July 1, 2005)

### ***Interlocal Risk Management Agencies***

This act permits an interlocal risk management pool organized after July 1, 1995 to choose not maintain a contingency fund until July 1, 2010 if it established the fund as required by current law before July 1, 2005. It changes the contingency fund requirements starting July 1, 2010.

The act requires that (1) after June 30, 2015, each pool must maintain a contingency fund as required by current law and (2)

each pool to report to the insurance commissioner, as she requires.

(PA 05-66, effective July 1, 2005)

### ***Fees for Executing Tax Warrants***

This act increases, from 10% to 15%, the share of the taxes collected that a state marshal or constable receives when executing an alias tax warrant and collecting delinquent municipal taxes, in addition to allowable expenses. It also increases the minimum fee for serving tax warrants from \$ 20 to \$ 30. These fees are the same fees for levying an execution.

(PA 05-135, effective upon passage, with the provision on tax warrants applying to those issued beginning July 2, 2003.)

### ***Change Of Use Of Group Homes***

This act requires a facility licensed by the Department of Children and Families (DCF) to apply for a new license if it changes the types of children it serves. The DCF commissioner must notify the chief executive officer of the town where the facility is located of the new application. Licensed facilities include group homes, residential treatment facilities, emergency shelters, and other residential facilities that serve children with mental health and substance abuse problems, and children in the juvenile justice system.

(**PA 05-71**, effective October 1, 2005)

***Volunteer Service Program For National Guard Families***

This act requires the National Guard's Family Program to establish a volunteer service program for armed forces members, including guardsmen, on active duty and residing in Connecticut. The services may include repairs, gardening, transportation, babysitting, tutoring, cooking, or other services the recipient finds helpful.

Under the program, a volunteer service coordinator works with towns and local organizations to provide volunteer services to the

members and their families. The coordinator must identify and help towns and organizations that provide volunteer services to members and their families in communities throughout the state.

(**HB 7502**, effective upon passage)

***Validating Acts***

This act validates certain actions and activities regarding:

1. property tax exemption in the cities of Bloomfield, Branford, East Hartford, Hartford, Milford, and Norwich; and
2. subdivision plan or maps in New Fairfield.

(**PA 05-247**, effective October 1, 2005)

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