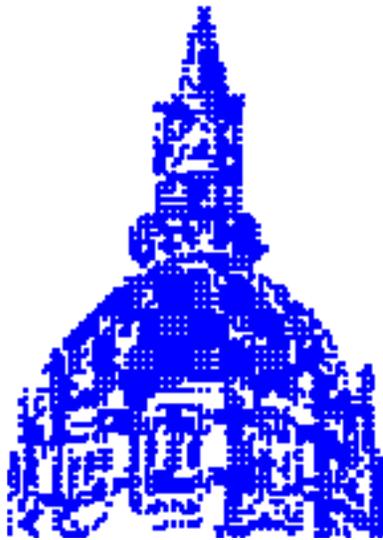


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

Municipalities



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2007-R-0424
August 10, 2007
Revised

NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting municipalities and municipal employees enacted during the 2007 regular and special legislative sessions. In each summary we indicate the public act (PA) 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 2007 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

Eminent Domain

PA 07-141 makes a number of changes to the laws under which municipalities may take property for development. Some of the major changes include:

1. prohibiting taking property by eminent domain for the primary purpose of increasing local tax revenues,
2. requiring the town legislative body to approve proposed takings by a two-thirds vote of its members for takings under the municipal development and MAA statutes,
3. allowing owners to ask the Superior Court to enjoin a taking if the implementing agency did not follow the correct statutory procedures,
4. giving the former owner of property taken by eminent domain the right of first refusal to buy it back if it is not used for its intended purpose or another public purpose,
5. basing compensation on the average value of two independent appraisals for takings under a
6. redevelopment plan and requiring compensation equal 125% of that value in some cases, and

7. requiring relocation benefits paid to property owners and tenants when the actions of a state or municipal agency force them to relocate to be the higher of those under state or federal law when their property is acquired or taken under these statutes.

The act prohibits towns from taking property under the general municipal powers statutes for private commercial development and, in doing so, allows takings for this purpose only under the development statutes described above.

(Various effective dates)

By law, redevelopment agencies can take property in areas that are deteriorated or deteriorating, or that meet certain other criteria. Under **PA 07-207** an area is considered “deteriorated” and “deteriorating” if at least 20% of the buildings there contain one or more specified building deficiencies or environmental deficiencies, such as conditions from a defect that are not correctable by normal maintenance or extensive minor defects that collectively harm the surrounding area.

The act also sets conditions under which the state’s property rights ombudsman must hear appeals regarding a redevelopment agency’s offer of compensation for property taken by eminent domain. It also

requires the ombudsman to study the feasibility of calculating relocation assistance for businesses displaced by eminent domain for the loss or gain in good will associated with the displacement of the business.

(Various effective dates)

Historic Preservation Tax Credits for Mixed Use Structures

Beginning in FY 09-11, **PA 07-250** authorizes up to \$50 million per three-year cycle in business tax credits for rehabilitating historic property used for residential and commercial purposes. The credit equals 25% of the total three-year credit allocation or, if a portion of the units are affordable to low- and moderate-income people, 30%. No single project can receive more than 10% of the three-year allocation.

The act specifies eligibility criteria and the process for obtaining the credit.

(Effective upon passage and applicable to income years starting on or after January 1, 2008, except for a monitoring requirement, which is effective July 1, 2007.)

Public Investment Communities

By law, the Office of Policy and Management (OPM) prepares an annual index used to designate the state's most fiscally distressed towns (i.e., public

investment communities (PICs)). The legislature uses the PIC designation as an eligibility criterion for several programs.

PA 07-10 requires OPM to prepare the index using more recent demographic data and also (1) requires OPM to adjust a town's population estimate if more than 40% of its population resides in a state or federal institution and (2) provides a five-year grace period for towns that no longer meet the designation criteria, allowing them to remain eligible for grants under other programs.

(Effective July 1, 2007, except for the provision repealing the original PIC program, which takes effect upon passage)

EDUCATION

Education Funding

PA 07-3, June Special Session has many provisions that affect education funding. With regard to the Educational Cost Sharing (ECS) grant starting in FY 08, the act:

1. increases the ECS foundation from \$5,891 to \$9,687 per student;
2. increases the minimum ECS grant from 6% to 9% of the foundation for most towns and to 13% for the 20 school districts with highest concentrations of low-income students;
3. raises the guaranteed wealth level from 1.55 to 1.75 times the median

- town wealth, thereby increasing the state share of education funding; and
4. makes various changes in the need weightings.

On the other hand, the act eliminates the density supplement to the ECS grant, which provides additional aid to towns with higher-than-average population densities. The act phases in full funding of the new ECS grants and specifies the schedule for doing so

The act requires schools and districts that are designated as “in need of improvement” under Connecticut law and require corrective action under the federal No Child Left Behind Act to be placed on a list of low achieving schools and districts and subjected to intensified supervision and direction by the State Board of Education. SBE must monitor progress in these schools and districts and notify boards about their progress in meeting any improvement benchmarks. If a low achieving district fails to make sufficient progress toward the benchmarks and fails to make adequate yearly progress (AYP) under NCLB for two years, the SBE, after consulting with the governor and the district’s chief elected officials, can ask the General Assembly to adopt legislation allowing the SBE or another authorized entity to control the district.

The act requires the Comptroller to withhold any grant funds that a town is

required to appropriate to a board of education due to low academic achievement in the school district.

The funds must be transferred to SDE for expenditure on behalf of the identified school district to implement any of the measures above that SBE requires and to offset any other local education costs that the commissioner deems appropriate to achieve school improvements. The funds must be awarded by the commissioner to the board of education for the identified school district on the condition that it spends the funds in accordance with his directives.

Among other things, the act also:

1. caps state education grants to towns for transportation, health, and other services through FY 09 at the levels appropriated in the budget;
2. for each fiscal year starting with FY 08, entitles each priority school district to a priority school district (PSD) grant of at least \$150 per student;
3. increases grants to receiving districts in the state interdistrict school attendance program (Open Choice) from \$2,000 to \$2,500 for each out-of-district student;
4. increases the charter school per-student grant from the current level of \$8,000 to \$8,650 in FY 08 and \$9,300 in FY 09;

5. increases the state's per-student grant to districts operating vocational agriculture (vo ag) centers from \$700 to \$1,355 for each secondary school student enrolled in the center on the preceding October 1;
6. increases operating grants to interdistrict magnet schools over four years and revamps the formula for distributing the grants; and
7. increases the number of youth service bureaus (YSBs) eligible for SDE grants and establishes a YSB enhancement grant. (Various effective dates)

In-School Suspensions

PA 07-66 requires suspensions to be served in-school unless the school administration determines, at the required informal suspension hearing, that the student (1) poses such a danger to persons or property or (2) is so disruptive of the educational process, that he or she must serve the suspension outside of school. Prior law defined in-school suspension as exclusion from classroom activity, but not from school, for up to five consecutive days. The act extends this to 10 consecutive days. Under existing law, an exclusion from school privileges for more than 10 days constitutes an expulsion. (Effective July 1, 2007)

Pesticide Use on School Grounds

PA 07-168:

1. expands a ban on applying lawn care pesticides to school playing fields and playgrounds to schools with students through grade eight;
2. extends, for one year, an exemption for pesticides applied on these grounds according to certain integrated pest management plans;
3. expands a school superintendent's ability to authorize emergency applications of lawn care pesticides in health emergencies to any public school, apparently with students through grade eight, instead of just a public elementary school; and
4. makes the Department of Environmental Protection responsible for administering and enforcing school pesticide applications.

(Effective October 1, 2007)

Public Library Records Confidentiality

PA 07-227 extends confidentiality requirements to cover more types of personally identifiable information maintained by libraries open to the public. It also updates laws governing the State Library, local

public libraries, the State Library Board, and the state librarian.
(Effective July 1, 2007)

School Construction Bond Maturity

PA 07-87 allows municipalities and regional school districts to issue bonds for school construction projects with a maximum term of 30 rather than 20 years. The 30-year bonds are allowed only for projects for which the General Assembly authorized grant commitments on or after July 1, 1996, thus barring municipalities and regional school districts from refinancing earlier projects for a longer term. The act also increases regional school districts' flexibility in issuing bonds to refinance outstanding debt ("refunding bonds").
(Effective July 1, 2007)

School District Role in HUSKY Awareness

PA 07-2, June Special Session requires local school boards to provide to all parents and guardians information on state-sponsored health insurance programs for children, regardless of their child's insurance status.

PA 07-4, June Special Session limits the districts' obligation to offer the information to parents and guardians whose children are identified as uninsured.

(Both acts are effective July 1, 2007.)

School Security Assessments and Assistance

PA 07-208 requires school districts applying for school construction grants for new schools or major school alterations, extensions, renovations, or replacements to include security infrastructure for any entrances involved in the project plans. It establishes a competitive grant for FY 08 to cover some of the costs of improving security infrastructure in schools, installing security systems in schools' primary entryways, purchasing portable security devices, and training school personnel to use the devices and the infrastructure.

Finally, the act requires colleges, universities, and private occupational schools to (1) by October 1, 2007, have emergency response plans and (2) by that date and annually thereafter, submit these plans to the public safety and emergency management and homeland security commissioners and local first-responders.

(Effective July 1, 2007, except for the grants, which take effect on passage.)

Teachers' Retirement System Funding

PA 07-186 authorizes 30-year general obligation bonds to fund \$2 billion of the unfunded liability of the Teachers' Retirement System (TRS), the bond issuance cost, and up to two years' of bond interest. It exempts the bonds from the state's debt limit.

While the bonds are outstanding, the act automatically appropriates the actuarially required annual state contribution to the Teacher's Retirement Fund (TRF). The act guarantees TRS members who retire on or after September 1, 1992 an annual cost of living adjustment (COLA). It also reduces promised retirement COLAs for members who join TRS on or after July 1, 2007.

(Effective July 1, 2007)

ENERGY AND TELECOMMUNICATIONS

Comprehensive Energy Legislation

PA 07-242 has many provisions that affect municipalities. It broadens and increases the state's "green building" requirements. Specifically, it applies these standards to (1) new school construction projects authorized by the legislature on or after January 1, 2009 that cost \$5 million or more and (2) school renovation projects authorized by

the legislature on or after this date costing at least \$2 million. The act increases, by two percentage points, but not more than 100%, the reimbursement rate under the school construction grant program for those projects subject to the green building requirements. (Another act eliminates this funding.)

The act allows municipalities, by vote of their legislative bodies, to establish "energy improvement districts" and prescribes how they can be formed and gives municipalities a wide range of powers to aid districts, including guaranteeing each district's bonds, issuing general obligation bonds to support the district, and appropriating funds for the district's use.

The act requires the Connecticut Municipal Electric Energy Cooperative to develop standards for promoting renewable resources that apply to each municipal electric utility in the state.

The act requires the state Department of Education to, among other things, encourage and solicit school districts, schools, and other public educational institutions to participate in a statewide compact fluorescent light bulbs fundraiser.

The act requires Connecticut Innovations, Inc. (CII), in consultation with the Department of Public Utility Control (DPUC), and the departments of Education and

Emergency Management and Homeland Security, to establish a municipal renewable energy and efficient energy generation grant program and authorizes up to \$50 million in bonding for the program, with the proceeds going into a separate account within the Clean Energy Fund.

The act exempts from municipal debt limits bonds issued for electric demand responses, conservation and load management, distributed resources, and renewable energy projects.

Finally, the act bars municipalities, other than those with municipal electric utilities, from condemning or restricting the operation of any existing energy facility (e.g., power plants, transmission lines, and fuel storage facilities) that DPUC determines is a critical, unique, and unmovable part of the state's infrastructure, without getting the written approval of DPUC, OPM, CEAB, and the Siting Council stating that the taking would not harm the state's or region's ability to provide a particular energy resource to its citizens.

(Various effective dates)

Competitive Video Service

PA 07-253 requires companies, other than cable TV companies and their affiliates, that provide video programming to be certified by the DPUC. It subjects the companies that provide these competitive video

services ("providers") to some of the requirements that apply to cable TV companies, notably requirements regarding community access and customer information. The act subjects providers to the 5% gross earnings tax that applies to cable TV companies and direct broadcast satellite companies. It provides that this tax is in lieu of the property tax for the company's tangible personal property.

The act establishes two nonlapsing accounts in the General Fund, one to provide property tax relief for municipalities and the other to provide funding for community access and for education technology. It funds the first account with up to \$5 million per fiscal year from the gross earnings tax. It funds the second account with a new tax on the gross earnings of cable TV, direct broadcast satellite, and the providers.

(Effective October 1, 2007, except that the gross earnings tax provisions are effective July 1, 2007.)

Siting Telecommunications Towers

PA 07-222 requires each telecommunications services provider, by January 1, 2008, to submit to the council, at its request, all information on (1) locations in the municipality that do not have coverage or have inconsistent coverage and (2) the

provider's existing and projected demand for coverage in the municipality. This information can be used only to prepare the assessment.

The act requires the Siting Council, by January 1, 2008, to develop a telecommunications coverage assessment for a municipality upon its request. The assessment must (1) identify locations in the municipality that do not have coverage or have inconsistent coverage and (2) analyze existing and projected demands for coverage in the municipality.

The act requires the council to request a municipality that is the proposed site of a tower to submit its location preferences or criteria to the council within 30 days after a tower application is filed with the council. The council must consider the location criteria and preferences that the municipality submits or those that were in its zoning regulations as of the date of the application.

(Effective upon passage, with the assessment changes applicable to assessment period beginning on or after July 1, 2007.)

ELECTIONS

PA 07-194 makes various changes in election laws. Among other things, it:

1. requires registrars of voters to randomly audit votes after any election or primary, permits expanded

audits when discrepancies are found, and permits the secretary of the state to adopt regulations to implement random auditing and establish guidelines for expanded audits;

2. requires a recount when there is a discrepancy in the votes that could affect the outcome of the election or primary;
3. allows candidates or voters aggrieved by an audit to file a complaint within seven days after the audit closes;
4. generally makes registrars of voters responsible for conducting elections by removing duties from other municipal officials; particularly town clerks;
5. eliminates a requirement for registrars to be stationed at the polling place during polling hours;
6. makes several procedural changes to reflect the change from lever voting machines to optical scan voting tabulators; and
7. establishes a new procedure for resolving a tie vote in a primary for state and local office.
(Various effective dates)

ENVIRONMENT

Animal Population Control Program

PA 07-105 expands the state's Animal Population Control Program. It also requires the agriculture commissioner to distribute a standard dog licensing form to municipal pounds, pet shop operators, grooming facilities, or dog training facilities that offer to make it available to dog owners. Under prior law, the commissioner distributed this form only to veterinarians.

(Effective October 1, 2007, except a conforming change is effective upon passage.)

Aquifer Protection Area Program

PA 07-85 specifies when public and private water companies must submit maps of new well fields to the Department of Environmental Protection (DEP), amends aquifer protection agencies' hearing and decision schedules, authorizes municipalities to fine people who violate municipal aquifer regulations, and makes minor changes.

(Effective October 1, 2007)

Bad Dogs

PA 07-59 creates a process to address dogs that damage people's pets and other animals that is similar to the law's process for dogs and other animals that bite people.

The act exempts from its provisions dogs that a state or local police agency owns if they (1) are under the direct supervision, care, and control of an assigned police officer; (2) have received yearly vaccinations; and (3) are subject to routine veterinary care.

(Effective October 1, 2007)

Brownfields

PA 07-233 changes the state's policies and programs for cleaning up and redeveloping brownfields. Among other things, it allows the state's development finance agency to issue bonds on towns' behalf for remediating and reusing these sites for homes, apartments, stores, and other mixed uses. It sets conditions under which tax assessors can reduce the assessment of contaminated property.

(Effective July 1, 2007)

Collection and Recycling of Electronic Devices

In creating a mandatory recycling program for discarded computers and televisions.

PA 07-189 requires municipalities to provide for the

convenient recycling of the devices generated within their borders and arrange for bringing the devices to DEP-approved recyclers.

The act prohibits, starting January 1, 2011, anyone (1) from knowingly discarding a device at a solid waste disposal facility other than a transfer station and (2) charging a fee to state residents bringing seven or fewer devices to a collector (apparently a transfer station or solid waste hauler) at any one time.

(Effective October 1, 2007, except for the provision requiring DEP to adopt regulations, which takes effect July 1, 2007, and the provision allowing the commissioner to take part in a regional organization or compact, which takes effect upon passage.)

Local Capital Improvement Program

PA 07-177 allows municipalities that acquire and install certain on-board oil refining systems to have their costs reimbursed from the Local Capital Improvement Program Fund. The refining systems must consist of filtration and evaporation canisters that remove solid and liquid contaminants from lubricating oil.

(Effective July 1, 2007)

Open Space and Farmland Preservation

PA 07-131 increases grant ceilings for, and makes adjustments to, the Open Space and Watershed Acquisition Grant Program. It also creates a loan program to help municipalities purchase agricultural land and requires the Department of Agriculture commissioner to administer a program that provides eligible municipalities with loans to purchase agricultural land.

(Effective July 1, 2007)

School Bus Emissions

PA 07-4, June Special Session requires towns and school boards to retrofit certain full-size school buses with emissions-reducing equipment by September 1, 2010, as long as the work can be done within the grant amounts the act establishes. DEP must provide the grants from available appropriations. It makes the retrofitting and registration requirements contingent on whether the state can develop contracts setting price levels for the purchase, installation and warranty of the equipment for less than the act's grant amounts. However, the DEP commissioner must reimburse towns and school

boards that retrofit their buses voluntarily, even if the state contracts do not cover all their costs.

(Effective July 1, 2007)

Shellfish

PA 07-74 allows the Department of Agriculture, upon a municipality's written request, to enter into a memorandum of understanding (MOU) with the municipality authorizing the municipal health department or similar agency to collect sea water samples for shellfish harvest water classification. It specifies duties with respect to the MOU and sampling and allows the municipality to assist the department with sample collection under certain circumstances.

(Effective upon passage, except for a provision concerning buoys, which is effective July 1, 2007.)

Small Alternative On-Site Sewage Treatment Systems

PA 07-231 requires the public health commissioner, by December 31, 2008, to establish and define discharge categories for alternative on-site sewage treatment systems that have a daily capacity of 5,000 gallons or less. It gives the commissioner jurisdiction over such systems once he has done so.

(Effective July 1, 2007)

Stormwater Authority Pilot Program

PA 07-154 requires the DEP commissioner to create a municipal stormwater authority pilot program in four municipalities adjoining Long Island Sound by September 1, 2007, and authorizes her to provide up to \$1 million in grants to the participating towns. Each stormwater authority may adopt regulations to implement a stormwater management program and may, with the commissioner's approval, enter into contracts with any municipal or regional entity to accomplish its purposes.

The act defines unimproved land, for purposes of the commercial real estate conveyance tax, as farm, forest, or open space, and reduces the conveyance tax on the sale of such property from 1% from 0.5%. The act does not limit farm, forest, or open space land to such property in the "490" program or require that it continue to be used as farm, forest, or open space land after it is conveyed. It is unclear how this provision relates to the 490 program's conveyance tax penalty.

By law, regional water pollution control authorities finance their water pollution control projects with a combination of grants and loans from the Clean Water Fund. Under prior law, starting in FY 07, eligible projects could receive

only loans, and not grants. The act repeals this provision, allowing regional authorities to continue to receive project grants.

Finally, the act extends the length of time in which a special services district must repay its debt obligations from one to seven years after it incurs them.

(Effective upon passage, except that a reporting requirement for municipalities in the pilot program and the special services district provision take effect September 1, 2007, and the conveyance tax provision takes effect July 1, 2007.)

HOUSING

Public Housing Authority Commissioners

By law, a commission that oversees a local housing authority must include at least one member who is a tenant of the authority. A tenant can serve as a commissioner if he or she resided in a unit owned or managed by the authority for at least one year. **PA 07-4, June Special Session** allows people receiving housing assistance administered by the Department of Economic and Community Development to serve as a commissioner regardless of whether they reside in authority-owned or –managed units. These people would include, for example, include those residing in privately owned units and

whose rents are being subsidized by the authority.

(Effective upon passage)

LAND USE

Building Demolition

PA 07-26 increases, from 90 to 180 days, the maximum waiting period a municipality may impose by ordinance before a demolition permit can be issued for a building or structure.

(Effective October 1, 2007)

Incentives for Mixed Income Developments

PA 07-4, June Special Session provides grants to towns establishing zones where developers can build mixed income housing. It specifies criteria for establishing these zones and procedures for accessing the grants. Among other things, towns must significantly increase the housing density permitted in the affected areas. All towns qualify for grants to develop the zones' regulations. Those that officially adopt them qualify for a grant equal to \$2,000 for each unit that could be built in the zone. These towns qualify for additional grants after they issue building permits for units actually built there. The grant equals \$2,000 for each multifamily, duplex, and townhouse unit and \$5,000 for each single-family detached unit.

(Effective July 1, 2007, except for that the provisions establishing the commission take effect upon passage.)

Junk Yards

PA 07-121, with some exceptions, subjects scrap metal processors to the laws that apply to junk dealers, including municipal licensing. By law, a junk dealer is someone in the business of dealing and trading in junk, old metal, scrap, rags, waste, paper, or other secondhand articles.

(Effective October 1, 2007)

Responsible Growth

PA 07-239 establishes an incentive program to encourage the provision of municipal services on a regional basis. It requires the Office of Policy and Management secretary to review, within available appropriations, (1) regional tax-based revenue sharing programs and (2) the establishment of regional assets districts.

The act imposes sanctions on municipalities that fail to amend their local plans of conservation and development every 10 years, as required by law.

(Effective July 1, 2007, except the sanctions for failing to amend local plans of conservation and development are effective July 1, 2010.)

Subdivisions

Prior law subjected anyone who “sells or offers for sale” any lot subdivided based on a planning commission’s conditional subdivision approval before receiving its final approval to a fine of up to \$500 for each lot sold or offered for sale.

PA 07-182 instead subjects anyone who “transfers title” to such a lot before receiving final approval to a \$1,000 fine for each title transferred. Thus, it permits a person to sell such a lot or offer it for sale, but not close on the sale until receiving final approval.

The act also gives the buyer of a lot that is subject to conditional subdivision approval a limited right to rescind the sale contract within three days of receiving notice of the planning commission’s final approval. The buyer may rescind the contract if the final approval includes new amendments or conditions that he or she finds unacceptable. Both the final approval and the rescission must be in writing.

The act specifies that it does not authorize marketing a lot before conditional approval is granted or renewed for it.

(Effective July 1, 2007)

PA 07-102 requires a planning commission to accept an application it has received to subdivide or resubdivide land regulated as an inland wetland or watercourse by a local wetland agency, and process it on the

commission's schedule set in existing law. By law, the commission must consider the wetland agency's report in making its decision. The act requires the commission, if it imposes terms and conditions that are not consistent with the wetland agency's final decision, to state its reasons for being so on the record.

The act imposes the same requirements on zoning commissions when they act on site plan applications that are also subject to a wetlands agency jurisdiction.

(Effective October 1, 2007)

Zoning Appeals

PA 07-60 allows an appeal of a zoning decision on a special permit or special exception to go to the Superior Court for the judicial district where the property is located, notwithstanding any right to appeal the decision to the local zoning board of appeals. By law, zoning regulations can require a special permit or special exception for certain classes or kinds of buildings or land uses in a zone.

(Effective October 1, 2007)

MISCELLANEOUS PROVISIONS

Liens against Discrimination Awards

PA 07-44 prohibits towns from claiming or applying liens against any money received as a

settlement or award in a housing or employment discrimination case by a beneficiary of (1) the former town General Assistance program, (2) state aid in a state humane institution, or (3) several other assistance programs.

(Effective July 1, 2007)

Railroads and Municipal Airports

PA 07-232 requires DOT to notify, and consider recommendations from, state and local officials before any railroad line is reactivated in their jurisdiction. It requires the commissioner, or a designee, to determine if a public hearing is required with respect to the safety of rail crossings along the reactivated line. The commissioner must hold a hearing if a state or municipal official requests one. The hearing must be held at least 90 days before the rail line is reactivated.

The act also extends the transportation commissioner's authority to declare transportation emergencies to cover state- or municipally owned airports.

(Effective upon passage)

Probate Courts

PA 07-184 gives the probate court administrator additional powers over probate courts and probate court judges. Under certain circumstances, it authorizes him to reassign pending cases to a special

assignment probate judge or another probate judge and designate a special assignment probate judge to help the judge conduct his or her business.

The act increases the minimum requirements for probate court facilities, requires the probate court administrator to notify a town if the court does not comply with minimum standards, gives the town the chance to submit a compliance plan, and requires probate court regulations to be submitted to the Judiciary Committee for approval.

(Effective October 1, 2007)

Special Services Districts

PA 07-196 raises the threshold, from \$200,000 to \$1 million in annual revenues, for a municipality, special services district, or local agency to comply with the auditing requirements of the Municipal Auditing Act. That act requires each covered agency to be audited annually by an independent auditor and file the audit with the Office of Policy Management for its review.

(Effective July 1, 2007 for the auditing act changes and October 1, 2007 for the special district changes.)

Transfers of Municipal Property

With a few exceptions, **PA 07-218** requires towns to hold a public hearing on the proposed sale, lease, or transfer

of town land or buildings before approving any of these transactions. This requirement applies to property whose fair market value exceeds \$10,000 or lease renewals that would change how a property is used. It also applies whenever the town proposes to sell parkland, open spaces, or playgrounds, regardless of the land's fair market value.

(Effective October 1, 2007)

Youth Camps

PA 07-129 limits the programs that must be licensed as youth camps to those that (1) operate only during school vacations or on weekends and (2) serve children ages three through 15. And it excludes certain Boys and Girls Clubs' programs from licensure.

The act (1) requires youth camps, nursing homes, and day care providers to provide potassium iodide to their residents, enrollees, staff, and others present, at the Department of Public Health commissioner's direction, during a public health emergency and (2) makes changes to related notice requirements.

(Effective October 1, 2007, except for the changes in youth camp licensing, which are effective September 1, 2007.)

Other Miscellaneous Provisions

Prequalification Requirements for Municipal Contractors.

PA 07-202 makes numerous substantive and technical changes in the laws regarding the prequalification of contractors and substantial subcontractors who work on state administrative services and state and municipal building construction contracts that are at least partially state-funded, including increasing, from two to five years, the maximum amount of time a contractor may be disqualified from bidding on a Department of Administrative Services contract. It makes a public agency potentially ineligible for state funds if it accepts a contractor's bid without (1) proof that he or she is prequalified and (2) a statement of his or her qualifications.

The act requires surety contracts for public building construction contracts with the state or a municipality estimated to cost more than \$500,000 to contain certain language.

(Effective October 1, 2007 for the prequalification provisions, upon passage for other provisions)

PA 07-213 (1) removes the Department of Public Works commissioner's 20-year limit on leases of state property to municipalities; (2) requires local agencies to file their regular meetings agendas with the town clerk or the clerk of a multi-town district or agency, whichever is

applicable; and (3) shortens the time the comptroller and the treasurer have to process certain grant payments to municipalities. The act also increases the maximum exemption for labor and material bonds on state or municipal construction contracts valued at more than \$100,000. Under prior law, contractors and subcontractors did not have to furnish the bond when labor and material costs were \$50,000 or less. The act raises the exemption to \$100,000.

(Various effective dates)

MOTOR VEHICLES

Abandoned Vehicles

PA 07-167 establishes a 12-member task force, including a representative of the Connecticut Conference of Municipalities, to study the issue of abandoned motor vehicles. The task force must report its findings and recommendations to the Transportation Committee by February 1, 2008.

(Effective upon passage)

Handicapped Parking

PA 07-52 increases the fine for violating laws relating to the provision and use of parking spaces designated for handicapped people. Previously, violations were infractions with a minimum fine of \$85. The act eliminates the designation as an infraction and increases the fine

to \$150 for a first violation and \$250 for a subsequent violation.

Under the prior law, a violator who mailed in the fine paid a total of \$131. This included the base fine of \$85 and, because violations were designated as infractions, additional assessments required by law bringing the total amount due to \$131. Under the act, violators are no longer subject to the additional charges since the violation is no longer classified as an infraction. Therefore, for a first violation, the person will pay \$150 instead of \$131.

The violations of the handicapped parking law subject to the act's higher fine include:

1. parking in a space designated for a handicapped person,
2. unauthorized display of a special license plate or placard issued to a disabled person,
3. failure to return a plate or placard when required to do so by the motor vehicle commissioner, and
4. failure to provide the designated spaces for handicapped persons the law requires.

(Effective October 1, 2007)

Operating Amphibious Vehicles on Roads

PA 07-167 sets conditions under which the motor vehicles commissioner may register a type of World War II era amphibious vehicle known as DUKWs. It

permits their use on highways subject to restrictions or prohibitions that local traffic authorities and the State Traffic Commission may impose.

The State Traffic Commission and local traffic authorities may restrict or prohibit their use as motor buses if this is determined to be necessary for the protection of passengers and highway users.

(Effective January 1, 2008)

Parking Tickets

When a municipality issues a ticket for a parking violation, the law requires that it be served personally on the vehicle operator, if present, and, if not, affixed to the vehicle in a conspicuous place. If the fine remains unpaid 30 days after the initial notice of violation is issued and the vehicle is leased or rented, the law requires that a second notice be mailed to the address of record of the vehicle owner. No fines or penalties may accrue to the owner of a rented or leased vehicle for the violation for 60 days after the second notice is mailed. **PA 07-88** allows the owner of such a leased or rented motor vehicle who receives the second notice to notify the municipality of the identity of the person who leased or rented the vehicle when the ticket was issued, and the person's address, driver's license number, and license issuing state. The municipality must then issue the notice of violation

to the person who leased or rented the vehicle.

(Effective July 1, 2007)

School Buses

PA 07-224 imposes additional background check requirements on applicants for licenses and endorsements to drive school buses and school transportation vehicles (STVs), including a check of the state child abuse registry. It requires the Department of Motor Vehicles (DMV) commissioner to deny a license or suspend an endorsement for transporting students for anyone convicted of a serious criminal offense, if the person has not completed his or her sentence or completed it within the past five years.

The act (1) requires, rather than allows, the DMV commissioner to periodically provide reports to public transportation providers, including school districts, listing anyone whose commercial driver's license or passenger endorsement the commissioner has suspended, withdrawn, or revoked and (2) requires each carrier to check these reports at least twice a month and, within 10 days after each check, prohibit from driving any of its school bus or STV drivers who are not properly licensed.

The act extends required random drug testing to those employed to drive STVs that carry 10 or fewer students and bars carriers from continuing to

employ as a driver any school bus or STV driver who tests positive for drugs. The ban runs for two years after a first positive test and becomes permanent after a second such test.

The act increases penalties on (1) carriers who fail to implement required drug testing for school bus and STV drivers and applicants and (2) school transportation contractors who allow anyone not properly licensed to drive a school bus carrying school children. It imposes fines on carriers who fail to carry out the required checks of drivers' licensure status or fail to remove an operator who is not properly licensed.

The act also bars the DMV commissioner from issuing temporary licenses with school bus or STV endorsements, among other things.

Finally, the act requires each school bus company to paint its name and phone number and the bus number conspicuously in black lettering on the rear and sides of each of its school buses. It requires the DMV commissioner to determine the size of the lettering.

(Effective July 1, 2007, except for the bus painting requirement, which is effective October 1, 2007.)

MUNICIPAL EMPLOYEES

Insurance Coverage for Dependent Children

PA 07-185 extends, from age 23 to 26, the age to which group comprehensive and individual health insurance policies that cover children must do so. PA 07-2, June Special Session extends this requirement to full-time students at accredited out-of-state colleges and universities and children who live out-of-state with a custodial parent pursuant to a court order. Under PA 07-185, the group provision was effective July 1, 2007, and the individual policy provision was effective October 1, 2007.

PA 07-2, June Special Session makes the group and individual policy coverage provisions effective January 1, 2009.

Survivor Benefits

PA 07-161 requires a municipality that provides survivor pension benefits for paid police and firefighters who die in the line of duty to continue to provide the benefits after the surviving spouse remarries. By law, total survivor benefits for paid police and firefighters include the workers' compensation survivor benefit plus the municipality's survivor benefit. The combined benefits cannot exceed 100% of the weekly pay that employees in the

same position as the deceased employee receive during the compensable period. The act specifies that the combined weekly benefit cannot exceed 100% of the maximum rate for the same position. By law, workers' compensation survivor benefits end when the surviving spouse remarries or the dependent children reach 18.

(Effective October 1, 2007)

Retiree Benefits

PA 07-221 bans a municipality or special taxing district from diminishing or eliminating a pension or retirement system right or benefit granted to a retiree at the time the employee retires. The act is similar to an existing law that prohibits any diminishment or elimination of rights or benefits granted to an individual under any municipal retirement or pension system (CGS § 7-450) except that the act specifically supersedes the law creating the Waterbury Financial Planning and Assistance Board (SA 01-1).

The act permits a municipality or special taxing district to change the retirement plan administration if the rights and benefits provided after the change are at least equivalent to the rights and benefits provided previously.

(Effective upon passage)

Family and Medical Leave for Municipal Employees and Discrimination Based on Civil Union Status

PA 07-245 requires municipalities and other political subdivisions of the state to provide employees who have worked for them at least 12 months and 1,250 hours during the past 12 months with (1) the same Family and Medical Leave Act (FMLA) benefits that federal law provides to parties to a marriage for employees who are parties to a civil union and (2) leave in order to serve as an organ or bone marrow donor. These employees are covered by the federal FMLA and are eligible for the other leave benefits offered under that law.

(Effective October 1, 2007)

Insurance Coverage for Specialized Formulas for Children

PA 07-197 requires health insurance policies to cover medically necessary specialized formulas administered under a physician's direction for children up to age 12, instead of age eight.

The act applies to group and individual insurance policies delivered, issued for delivery, or renewed in Connecticut after September 30, 2007 that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) accidents only; and (5) hospital

or medical services, including HMO contracts. It does not apply to self-insured benefit plans, which are regulated under the federal Employee Retirement Income Security Act.

(Effective October 1, 2007)

Loans to Municipalities to Fully Fund Pension Systems

PA 07-204 creates a municipal pension solvency loan program to provide municipalities with funds for their unfunded employee pension liabilities. Loans will be made at the same interest rate the state pays on the bonds, notes, or obligations it issues to fund the program but towns may be liable for administrative, issuance, and capital reserves-related costs. The act permits the bonds to be either general obligation or revenue bonds.

The act requires the state treasurer to administer the program and establish a priority list of eligible towns and a ranking system for making the loans. The treasurer must consider the amount of a municipality's unfunded pension liability and whether the loan can eliminate or substantially eliminate the liability. Loan agreements must contain penalty provisions for municipalities that fail to contribute to their pension funds as required under the agreement.

(Effective July 1, 2007)

Hospitalization during Treatment in Cancer Clinical Trials

By law, individual and group health insurance policies and HMO contracts must cover medically necessary hospitalization services and other routine patient care costs associated with certain cancer clinical trials. **PA 07-67** specifies that the required hospitalization coverage includes treatment at an out-of-network facility if (1) it is unavailable at an in-network facility and (2) the clinical trial sponsors are not paying for it. (An out-of-network facility is one that has not contracted with the insurer or HMO to provide health care services to enrollees.)

Prior law subjected the required coverage to the policy's or contract's terms and limitations, including out-of-network limitations. The act instead requires the out-of-network hospital and insurer or HMO to make the out-of-network hospital treatment available at no greater cost to the patient than if treatment was available at an in-network facility. Thus, the patient is only responsible to pay any co-payment, coinsurance, or deductible required under the policy or contract for in-network services.

(Effective upon passage)

MUNICIPAL UTILITIES

Collecting Municipal Water and Sanitation Charges through Tax Warrants

PA 07-95 authorizes tax collectors to use alias tax warrants to collect unpaid municipal water or sanitation charges in the same manner as for collecting unpaid taxes. The act applies to rates or charges by a municipal waterworks system or for collecting and disposing of garbage, trash, rubbish, waste material, or ashes. The act prohibits a tax collector from issuing an alias tax warrant against real estate to sell the real estate solely to collect water or sanitation charges.

Under the act, if municipal waterworks rates or charges are not paid within 30 days after their due date, the tax collector can demand payment in the same manner as with unpaid taxes and can then issue an alias tax warrant for them. By law, when these rates and charges are not paid, they are a lien on the premises served and a charge against the owner.

(Effective July 1, 2007)

Water Pollution Control Authority Bonds

PA 07-51 makes it easier for towns to finance relatively small sewer and water system projects (under \$3 million) with bonds that combine the elements of general obligation and revenue

bonds (i.e., hybrid bonds). It does this by establishing a separate procedure for issuing these bonds without a referendum. That procedure supersedes any contrary statutory, special act, or charter provision.

(Effective upon passage)

Water Utilities

PA 07-244 amends the certificate of public convenience and necessity applicable to municipal and other water company construction and expansion by (1) creating two distinct processes for issuing certificates to residential and non-residential water systems, (2) establishing ownership responsibilities for new water supplies, and (3) establishing clearer ties to the water utility coordinating committee drinking water supply planning process. The act also makes changes to the permit process for replacement wells and wells on residential properties.

(Effective October 1, 2007)

PROPERTY TAX

Reimbursement of Marshal Costs for Tax Assessor or Tax Collector Error

By law, a municipality can recover the court costs and reasonable appraisers' and attorneys' fees it incurs as a result of any tax foreclosure action from anyone having title to affected property. **PA 07-50**

requires the municipality to reimburse a taxpayer for the costs of state marshal fees or any property seized if the court finds that such costs were incurred because of a tax assessor or tax collector error and not because of any action or failure on the taxpayer's part.

(Effective October 1, 2007)

Liens for Unpaid Property Taxes

PA 07-99 increases, from one to two years after property tax becomes due on real property, the time period that a municipality has a "silent (unrecorded) lien" on the property under CGS § 12-172 for the taxes. It thus makes this provision consistent with CGS § 12-175, which gives a tax collector two years from the tax due date to file a certificate on the land records to continue the lien.

(Effective October 1, 2007, and applicable to liens filed on or after that date.)

PA 07-251 reduces the lien amount a town can place on a property receiving local-option property tax relief for property owners over 65 old or permanently disabled. Prior law required the lien be equal to the total amount of tax relief. Under the act, the lien must be equal to the amount of the tax relief that exceeds 75% of the property tax liability.

(Effective October 1, 2007.)

Tax Exemptions for Certain Machinery and Equipment

PA 07-140 rewrites and makes several minor, conforming, and technical changes in the 2006 law that exempts eligible manufacturing, biotechnology, and recycling machinery and equipment from local property taxes after a five-year phase-in and requires the state to make payments in lieu of taxes to municipalities for lost revenue.

(Effective upon passage, with the provisions concerning the calculation of the fixed grant apply to assessment years starting on or after October 1, 2007.)

Tax Exemptions for Renewable Energy and Efficient Vehicles

PA 07-242 requires, rather than allows, municipalities to exempt certain renewable energy systems from the property tax and expands the scope of the systems subject to the exemption. Under prior law, municipalities could exempt class I renewable resources (e.g., solar electric, wind, and fuel cell systems) and hydropower facilities in one- to four-unit residential buildings. The act requires rather than allows them to exempt these resources. It also requires municipalities to exempt any passive or active solar water or space heating system or geothermal energy resource, in any type of building.

The act establishes, starting January 1, 2008, a local option property tax exemption for hybrid motor vehicles and those with fuel efficiencies of at least 40 miles per gallon.

(Various effective dates)

Tax Abatements for Property Conveyed To Land Conservation Organizations

The law exempts nonprofit land conservation organizations from paying taxes on their real and personal property. But if an organization acquires a property, it must pay any taxes or interest on delinquent taxes that were due and unpaid before it acquired the property.

PA 07-170 allows towns to abate these payments, with their legislative bodies' approval.

(Effective upon passage and applicable to assessment years beginning October 1, 2007.)

Tax Exemptions for Renewable Energy Systems

PA 07-240 allows a municipality to adopt an ordinance exempting from the property tax electric generating facilities used on a farm that use class I renewable energy sources, such as solar and wind power and certain hydropower facilities. The law already permitted municipalities to exempt such facilities installed for private residential use.

(Effective October 1, 2007 and applicable to assessment years starting on after that date for the tax exemption.)

Alias Tax Served on Financial Institutions.

PA 07-111 prohibits tax collectors or officers from serving alias tax warrants or executions relating to a single person or business on more than one financial institution at a time. The act also prevents a collector from serving, or directing others to serve, more than 15 alias tax warrants on one financial institution in the same day without first confirming that the taxpayers have funds held with that institution and sets out the procedures for obtaining this confirmation.

(Effective October 1, 2007)

PUBLIC HEALTH

Funding of Local Health Departments

PA 07-2, June Special Session increases funding to local and district health departments as follows: (1) from \$.94 to \$1.18 per capita for full-time municipal health departments, (2) from \$ 1.94 to \$2.43 per capita for district health departments for each town or borough in the district with a population of 5,000 or less and (3) from \$1.66 to \$2.08 per capita for each town or borough

in the district with a population over 5,000.

(Effective July 1, 2007)

Lead Remediation, Abatement, Testing, and Management

PA 07-2, June Special Session permits a local or district health director to order a responsible party to correct cracked, chipped, blistered, flaking, peeling, or loose lead-based paint on exposed interior surfaces in rented one- or two-family houses, mobile homes, apartment buildings and boarding houses. The act requires Department of Public Health (DPH) regulations, if they are adopted, to define testing, remediation, abatement, and management of lead paint in these circumstances.

By law, anyone who fails to comply with such an order is subject to a fine of up to \$200, imprisonment for up to 60 days, or both.

The act permits local health directors to order a property owner to remediate any nuisance (e.g., plumbing, sewerage, ventilation, lead paint) they find on the owner's property. Under current law, they can only order abatement.

The act extends nuisance law provisions to owners or occupants ordered to remediate a nuisance. By law, owners, or in some cases, occupants, who are ordered to correct a nuisance must pay the costs. If the responsible party fails to do this,

the town can take corrective action and sue the person to recover damages and expenses. The town can also seek an injunction. The responsible person is subject to a \$250 per day civil penalty for each day the nuisance persists.

The act requires DPH, within available appropriations, to establish a financial assistance program to help local health departments pay for their lead-related expenses under the act. It may adopt implementing regulations.

(Various effective dates)

PUBLIC SAFETY

Ryan White Program Funding

For FY 08, **PA 07-2, June Special Session** authorizes the DPH commissioner, in consultation with the OPM secretary, to (1) make payments to providers to address funding reductions under Parts A and B of the federal Ryan White program and (2) contract with health departments in the Hartford or New Haven Transitional Grant Areas to address funding reductions under the program. The program funds urban areas with the highest number of people living with AIDS while also helping mid-size cities and areas with emerging needs. Part B funds states.

(Effective July 1, 2007)

Dam Safety

PA 07-61 makes several changes to the laws on dams and dam inspections. Among other things, it: (1) authorizes municipal officials to inspect certain dams they believe pose a public safety concern and (2) requires owners of property with “high hazard” or “significant hazard” dams to record the dams' presence and classification in town land records.

(Effective October 1, 2007)

Firefighter Training

PA 07-4, June Special Session specifically allows money in the state fire school training and education extension account to be used to reimburse municipalities and municipal fire departments for one-half the cost of Firefighter I certification and recruit training for paid and volunteer municipal fire service personnel. The act specifies that the account must contain any money required by law to be deposited into it. By law, firefighters pay a fee to participate in training and education programs and sessions. The account consists of proceeds from these programs.

(Effective July 1, 2007)

Intrastate Mutual Aid System

PA 07-56 establishes the Intrastate Mutual Aid Compact (IMAC) and commits the state's political subdivisions (towns) to

its terms. It provides a legal statewide mechanism for participating towns to request and provide mutual aid during a declared local civil preparedness emergency. IMAC is similar to the Emergency Management Assistance Compact for states, which Connecticut enacted in 2000.

Any town may withdraw from IMAC by adopting a resolution to that effect, and member towns may enter into or remain in supplementary or other interlocal mutual aid agreements.

The act describes the responsibilities of local civil preparedness organizations, compact activation procedures, permit and license reciprocity, and compact rights and liabilities, reimbursement issues.

(Effective October 1, 2007)

Urban Violence Reduction Grants

Within appropriations, **PA 07-4, June Special Session** establishes a program to reduce urban violence by providing competitive grants to municipalities and agencies acting on their behalf. A municipality's chief elected official must endorse agency applications.

The Office of Policy and Management (OPM) must establish application procedures and selection criteria and administer the program. It may adopt implementing regulations.

The grants are for anti-violence programs and services targeting urban youth between ages 12 and 18.

(Effective July 1, 2007)

Hold Harmless Municipal Aid

For FY 08, **PA 07-4, June Special Session** entitles each town to receive at least the same level of state grants-in-aid as it was entitled to receive in FY 07. This requirement applies to total aid determined according to statutory formulae unless modified based on audits. To meet the requirement, the act provides up to \$100,000 from the FY 08 appropriation for state payment in lieu of taxes for new manufacturing machinery and equipment.

(Effective upon passage)

Property Tax Cap Commission

PA 07-4, June Special Session establishes a 16-member commission to evaluate how different methods to limit the growth rate of property taxes could affect taxpayers and municipalities. The commission consists legislators, the OPM secretary, and gubernatorial and legislative appointees.

The secretary and a legislator selected jointly by the House speaker and Senate president pro tempore must co-chair the commission and convene its first meeting by September 1, 2007. The commission must submit a report to the governor and

legislature by January 15, 2008. The report must contain the commission's findings and recommendations.

(Effective upon passage)

authorized to perform such a ceremony.

(Effective October 1, 2007)

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VITAL RECORDS

Fee Increases for Certain Vital Records

PA 07-133 increases town clerks' fees (1) from \$5 to \$10 for each certified copy of a marriage, death, or long-form birth certificate and (2) from \$1 to \$2 for certifying copies of maps, surveys, and other documents filed with their offices. It also doubles the fee for a certified copy of a marriage or death certificate from the Department of Public Health's registrar of vital statistics from \$5 to \$10. The \$5 fee for a certified copy of a birth registration, also known as the short form, remains unchanged.

(Effective July 1, 2007)

Vital Records

PA 07-79 makes a number of substantive and technical changes to statutes addressing vital records and related topics. It allows a town recording a vital record event relating to a nonresident to collect up to a \$2 fee from that person's town of residence. The act specifies that a marriage or civil union ceremony is valid in Connecticut only if conducted by and in the physical presence of someone