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MUNICIPALITIES



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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting municipalities and municipal employees enacted during the 2009 regular and special legislative sessions. In each summary we indicate the public act (PA) or bill number. The report does not cover special acts, some of which affect municipalities, public acts that were vetoed unless the veto was overridden, and public acts that only affect one or a few municipalities.

Not all provisions of the acts are included here. Complete summaries of all 2009 public acts passed will be available 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>.

TABLE OF CONTENTS

CRIMINAL JUSTICE	5
"RAISE THE AGE"	5
ECONOMIC DEVELOPMENT	5
BROWNFIELDS DEVELOPMENT	5
REDEVELOPMENT OF MILLS ON BROWNFIELDS.....	6
TOURISM DISTRICTS	6
EDUCATION.....	6
READMISSION OF STUDENTS	6
REPORTING TRUANCY DATA	7
GREEN CLEANING PRODUCTS IN SCHOOLS.....	7
AUTOMATIC EXTERNAL DEFIBRILLATORS IN SCHOOLS	8
SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS AND STUDENTS AND SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE	8
SCHOOL CRISIS RESPONSE DRILLS AND FIRE DRILLS	8
SCHOOL INSPECTION REPORTS.....	9
SCHOOL CONSTRUCTION GRANTS AND OTHER EDUCATION ISSUES	9
ENVIRONMENT.....	9
FUNDING FOR CLEAN WATER PROJECTS.....	9
GREEN BUILDING STANDARDS AND ENERGY EFFICIENCY REQUIREMENTS ..	10
SCHOOL BUS EMISSION REDUCTION GRANTS.....	10
INVASIVE PLANTS	11
HOUSING.....	11
FORECLOSED HOUSING.....	11
HOUSING DEVELOPMENT IN ENTERPRISE ZONES	11
MISCELLANEOUS	12
PROBATE COURT REORGANIZATION	12
CONVEYANCES	12
FEES FOR RECORDING DOCUMENTS IN LAND RECORDS	13
DISCLOSURE OF HISTORIC DISTRICT DESIGNATIONS TO PROSPECTIVE RESIDENTIAL PROPERTY PURCHASERS.....	14
PLACING U.S. FLAGS ON VETERANS' GRAVES.....	14
DISCLOSURE OF AUTOMOBILE LIABILITY INSURANCE POLICY LIMITS	14
AUDITING REQUIREMENTS	15
CONGRESSIONAL REDISTRICTING.....	16
EMINENT DOMAIN	17
MUNICIPAL EMPLOYEES.....	17
INSURANCE PREMIUM PAYMENTS FOR TERMINATED EMPLOYEES	17
EXTERNAL APPEALS OF INSURANCE COMPANY DETERMINATIONS	18
INSURANCE COVERAGE FOR STEPCHILDREN.....	18
HEALTH INSURANCE COVERAGE FOR AUTISM	19
COVERAGE FOR WOUND CARE.....	19
FIRE INSURANCE.....	19
SAME SEX MARRIAGE	20
MARRIAGE LICENSES.....	20
MUNICIPAL UTILITIES	21
UTILITY TERMINATIONS AND ACCESS TO METERS	21
SEWER SYSTEMS	21
PLANNING AND ZONING	21
STATE PLAN OF CONSERVATION AND DEVELOPMENT	21
LAND USE PERMITS-VALIDITY PERIOD.....	22

PLANNING COMMISSION APPROVAL OF MUNICIPAL ROAD IMPROVEMENTS ..	23
HOUSING INCENTIVE GRANTS	23
PUBLIC ASSISTANCE	23
2009 STIMULUS PAYMENTS	23
2008 ECONOMIC STIMULUS PAYMENTS	24
PUBLIC HEALTH	24
NOTIFICATION OF CONTAMINANTS IN DRINKING WATER	24
BULK PURCHASING OF PHARMACEUTICALS	24
CEMETERIES AND CREMATORIES	25
LOCAL HEALTH DEPARTMENT FUNDING	25
PUBLIC SAFETY.....	26
ELUDING POLICE OFFICERS	26
SILVER ALERTS	27
ENHANCED 9-1-1 SERVICE DATABASE.....	27
MASS GATHERINGS.....	27
LIABILITY OF FIRE DEPARTMENTS THAT INSTALL SMOKE AND CARBON MONOXIDE DETECTORS.....	28
LOCAL FIRE MARSHALS	28
MISCELLANEOUS CHANGES	28
FIRE POLICE OFFICERS	29
MUTUAL AID AND MOBILE SUPPORT UNITS	30
POLICE OFFICER TRAINING AND FAMILY VIOLENCE ISSUES.....	30
REGIONAL PLANNING.....	31
REGIONALLY SIGNIFICANT DEVELOPMENT PROJECTS.....	31
MEMBERSHIP ON REGIONAL PLANNING AGENCIES.....	32
STATE/MUNICIPAL RELATIONS	33
TAXATION	33
REVALUATION AND ADJUSTMENTS IN PROPERTY VALUES	33
PROPERTY TAX ON PROPERTY OWNED BY RPOS	34
PROPERTY TAX EXEMPTIONS IN ENTERPRISE ZONES	34
PROPERTY TAX EXEMPTIONS FOR VETERANS	34
PROPERTY TAX AMNESTY AND EXEMPTION PROGRAMS	35
PROPERTY TAX SHARING	35
LIMITS ON STATE PILOT PAYMENTS FOR CERTAIN MACHINERY AND EQUIPMENT	36
MUNICIPAL VIDEO COMPETITION TRUST ACCOUNT	36
TRANSPORTATION	37
“BLOCKING THE BOX”	37
PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION	37
FUNCTIONS OF THE DEPARTMENT OF MOTOR VEHICLES	38
FUNDING FOR TOWN AID ROAD PROGRAM	39

CRIMINAL JUSTICE

“Raise the Age”

This act:

1. raises the maximum age for juvenile court jurisdiction from age 15 to age 16 starting January 1, 2010;
2. on July 1, 2012, raises the age from 16 to 17;
3. consistent with these provisions, delays the repeal of the Youth in Crisis law from January 1, 2010 to January 1, 2012 and restricts eligibility to youths age 17 beginning in 2010;
4. revises the definition of delinquent act;
5. allows police officers to release an arrested child into the child’s own custody and makes it a delinquent act for a child that has been released into his or her own custody to willfully fail to appear in court;
6. limits the use of pretrial detention, but adds violating conditions of a suspended detention order as a basis for detaining a child, and;
7. expands the availability of record erasure for children (a) convicted as delinquent or (b) adjudicated as a child in a family with

service needs (truants, runaways, or children beyond control of parents or school officials) but delays, from 16 to 17, the age children must reach before becoming entitled to court consideration of an erasure petition.

(PA 09-7, October 2 Special Session, these provision effective January 1, 2010, except the provisions extending juvenile court jurisdiction to 17-year-olds and the repeal of the Youth in Crisis law are effective July 1, 2012)

ECONOMIC DEVELOPMENT

Brownfields Development

This act makes many changes affecting the regulatory framework for identifying, investigating, remediating, and developing brownfields. It broadens municipalities’ ability to enter and inspect property and protects them from liability when remediating property with state economic development funds. The law establishes a program protecting developers from liability for contamination that escapes from a brownfield before they acquired it, if they follow state remediation standards. It sets a deadline for remediating property under the Transfer Act but allows property to be used while undergoing long-term, groundwater monitoring and remediation.

(PA 09-235, effective on various dates.)

Redevelopment of Mills on Brownfields

By law, the Department of Environmental Protection (DEP) commissioner must approve or exempt certain state agency actions proposed in or affecting floodplains. An agency proposing a nonexempt activity or critical activity in or affecting a floodplain must certify to the commissioner, among other things, that it will promote long-term, non-intensive floodplain uses and has utilities located to discourage floodplain development.

This act exempts from this requirement proposals to use a mill located on a brownfield if the proposing agency demonstrates that the activity (1) is subject to state environmental remediation regulations, (2) is limited to the area of the property where mill uses have historically occurred, and (3) complies with the National Flood Insurance Program. In addition, an agency proposing a critical activity must show that it is above the 500-year flood elevation.

(PA 09-141, effective upon passage)

Tourism Districts

This act consolidates tourism districts from five into three by eliminating the South Central and Southwestern districts and expanding the remaining two districts to include the towns from the eliminated districts. It also renames one of the remaining districts to reflect its expanded region. By law, the districts are governed by municipal and tourism industry representatives.

The act also suspends for one year the Connecticut Commission on Culture and Tourism's authority to review and approve the districts' proposed budgets and the requirement that districts submit copies of those budgets to the Office of Policy and Management (OPM) and the Appropriations; Commerce; and Finance, Revenue and Bonding committees. It also changes the date by which the districts must submit their annual budgets to these committees.

(PA 09-7, October 2 Special Session, these provisions effective January 1, 2010)

EDUCATION

Readmission of Students

This act prohibits a school district from preventing the return of, or expelling for additional time for the same offense, a student who

committed an expellable offense and who seeks to return to a district after having been in a residential placement for at least a year.

By law, boards of education can expel a student whose conduct (1) on school grounds or at a school-sponsored activity violates a publicized board policy, is seriously disruptive of the educational process, or endangers persons or property or (2) off school grounds violates board policy and is seriously disruptive of the educational process.

(PA 09-82, effective July 1, 2009)

Reporting Truancy Data

This act requires boards of education to include truancy measures in the strategic school profile reports they must submit annually to the education commissioner. They must include these with the data about student and school performance that is already required. The act specifies that the measures include the type of data the State Department of Education is required to collect on attendance and unexcused absences to comply with federal reporting requirements (i.e., the No Child Left Behind Act). The act further specifies that that data must be considered a public record under the Freedom of Information Act.

(PA 09-143, effective July 1, 2009)

Green Cleaning Products in Schools

By July 1, 2011, this act requires local and regional school boards to implement a green cleaning program to clean and maintain their schools. The program must provide for procurement and proper use of environmentally preferable cleaning products in schools.

Under the act, school districts must provide an annual written statement notifying staff and, if they request it, parents or guardians of enrolled students of the green cleaning program. Districts must publish notice of the program on the board of education's and each school's website or, if there is no website, publicize it in another way. They must also notify parents or guardians of transfer students and newly hired staff.

The act expands an existing biennial report each school district must make to the education commissioner on the condition of its school facilities and the implementation of its indoor air quality program in those facilities to also cover implementation of the green cleaning program.

(PA 09-81, effective October 1, 2009)

Automatic External Defibrillators in Schools

This act requires a school board to have at each school in its jurisdiction, if funding is available, (1) an automatic external defibrillator (AED) and (2) school staff trained in its use and in cardiopulmonary resuscitation. The act allows school boards to accept donated AEDs under certain conditions. It also allows boards to accept gifts, donations, and grants for AED acquisition and staff training costs.

The act also requires each school to develop emergency action response plans for the appropriate use of school personnel to respond to individuals experiencing sudden cardiac arrest or similar life-threatening emergencies.

(PA 09-94, effective July 1, 2009)

Sexual Activity between School Workers and Students and School Superintendents as Mandated Reporters Of Child Abuse

By law, school employees who have sexual intercourse with students who attend their schools commit the crime of 2nd degree sexual assault. This act expands the definition of “school employees” to include anyone working at an elementary, middle, or high school under contract with a school board (a supervisory agent in the case of

private school) if the job requires regular contact with students.

The act also makes school superintendents mandated child abuse and neglect reporters. By law, mandated reporters must contact the Department of Children and Families (DCF) when they reasonably believe that a child is a victim of abuse or neglect. Other professionals who are mandated reporters include teachers, doctors, social workers, nurses, and members of the clergy. A mandated reporter who fails to report abuse or neglect must attend a DCF-approved education and training program.

(PA 09-242, effective October 1, 2009)

School Crisis Response Drills and Fire Drills

This act requires, rather than allows, school boards, once every three months, to substitute crisis response drills for the monthly fire drills required in schools under their jurisdiction. It also requires the boards to conduct one of the fire drills no later than 30 days after the first day of each school year.

The act (1) requires the boards to develop the crisis response drill format in consultation with the appropriate local law enforcement agency and (2) allows an agency representative to supervise and participate in the drill.

(PA 09-131, effective October 1, 2009)

(PA 09-6, October 2 Special Session, effective upon passage)

School Inspection Reports

This act requires local fire marshals to submit written reports of every school building inspection they conduct to the local or regional education board. By law, the local fire marshal must inspect public service facilities, including public and private schools, at least annually and submit monthly reports to his or her appointing authority (i.e., board of fire commissioners or corresponding authority or the municipality's legislative body, board of selectmen, or warden, as appropriate).

(PA 09-227, effective October 1, 2009)

School Construction Grants and Other Education Issues

This act approves grant commitments for local school construction projects and makes various changes in laws relating to school construction projects. It also adopts provisions to implement the FY 10-11 state budget relating to education and education grants. Finally, it makes changes in education statutes dealing with, among other things, (1) interdistrict magnet schools, (2) early childhood education and school readiness programs, (3) an education and mentoring program for beginning teachers, (4) substitute teachers, (5) school dropouts, and (6) in-school suspension.

ENVIRONMENT

Funding for Clean Water Projects

The American Recovery and Reinvestment Act of 2009 provides funding that will be distributed to governors to help stabilize state and local government budgets. Federal law requires states to submit detailed comprehensive grant applications to the U.S. Department of Education (U.S. DOE) to access the funds. This act requires the governor to submit her application to the Appropriations, Education, and Higher Education and Employment Advancement committees. She must do this at least 14 days before she submits the application to U.S. DOE. It requires the committees to hold a public hearing on the application within seven days after receiving it. The governor, or her designee, must present testimony on the details of the application at the hearing.

The law allows the DEP commissioner to use money in the Clean Water Fund's water pollution control federal revolving loan account to provide financial assistance to municipalities to build eligible water quality projects and for other purposes authorized under the federal Clean Water Act. By law, money in the account may only be used in specific ways. The act allows

the treasurer to also transfer this money to the water pollution control state account to meet federal subsidization requirements.

The law similarly allows money in the Clean Water Fund's drinking water federal revolving loan account to be used in specific ways to provide financial assistance for the construction of eligible Department of Public Health (DPH)-approved drinking water projects and for other federally authorized purposes. The act allows the DEP and DPH commissioners to also provide additional forms of subsidization, including grants, principal forgiveness, negative interest loans or combinations of these, if permitted by federal law and made according to a legally authorized project funding agreement.

(PA 09-12, effective upon passage)

Green Building Standards and Energy Efficiency Requirements

This act delays the date when “green building” standards take effect and narrows their scope. It requires the state building inspector and the Department of Public Safety’s Codes and Standards Committee to establish the threshold size for buildings subject to the standards. Under prior law, the standards applied to certain new construction costing \$5 million

or more and renovations costing \$2 million or more.

The act delays and modifies the requirement that the state building inspector and Codes and Standards Committee revise the State Building Code with regard to energy efficiency standards. It increases the committee’s membership, from 17 to 18, and requires that one member have expertise in energy efficiency matters.

(PA 09-192, effective upon passage)

School Bus Emission Reduction Grants

The law requires municipalities and school boards to retrofit certain full-size school buses with emissions-reducing equipment by September 1, 2010 if state grants cover the cost of the work. Under prior law, the retrofits were mandatory if Department of Administrative Services (DAS) procurement contracts set the price for the work at a cost equal to or less than the following state grant amounts:

1. up to \$5,000 for each 2003-2006 model year bus equipped with a filtration system and a level 3 device;
2. up to \$2,500 for each bus equipped with a filtration system and level 2 device; and
3. up to \$1,250 for each bus equipped with a filtration system and level 1 device.

The act eliminates these maximum amounts and instead specifies that the DAS commissioner may use applicable existing contracts or provide a supplemental bid process for the grants. It also eliminates a provision that makes towns and school boards eligible for state grants if they choose to retrofit their school buses, even if the grant amounts are less than the amounts the procurement contracts specify for the devices.

(PA 09-1, these provisions effective upon passage)

Invasive Plants

This act prohibits, from July 1, 2009 to October 1, 2014, municipalities from adopting ordinances regulating the retail sale or purchase of invasive plants. It allows these plants to be moved for specific purposes and makes other changes in invasive plant laws.

(PA 09-52, effective July 1, 2009)

HOUSING

Foreclosed Housing

This act creates a registration system for tracking the owners of uninhabited one- to four-family dwellings obtained by strict foreclosure or foreclosure by sale (“registrants”). It specifically allows municipalities to enforce against a registrant any provision of the statutes or municipal ordinance on the repair or

maintenance of real estate after the municipality has provided notice and an opportunity to remedy the situation.

The act prohibits municipalities from imposing registration requirements outside of the act unless they were in place before the act's effective date. It also prohibits municipalities from adopting an ordinance or regulation on the property maintenance activities of a person who obtained title by foreclosure. However, any such ordinances or regulations adopted before the act's effective date remain in effect and municipalities can enact or enforce ordinances or regulations that apply generally to all property owners. The act also provides that these provisions do not prohibit or limit a municipality from adopting or enforcing an ordinance or regulation adopted under statutes relating to (1) the prevention of housing blight, (2) the maintenance of safe and sanitary housing, or (3) the abatement of nuisances.

(PA 09-144, effective October 1, 2009)

Housing Development in Enterprise Zones

This act eliminates the option community development organizations previously had to use Department of Economic and Community Development grants to build or rehabilitate either decent or affordable rental or

owner-occupied housing in enterprise zones. It instead specifies that the organizations may use the grants to build or rehabilitate housing only for low- and moderate-income people.

(PA 09-40, effective October 1, 2009)

MISCELLANEOUS

Probate Court Reorganization

Effective January 5, 2011, this act replaces the current fee-based compensation system for probate courts with one based on population and weighted workload in which a judge's compensation is paid directly from the Probate Court Administration Fund and requires each probate court to remit all its income to the state for deposit in the fund. It establishes four pay levels for judges linked to Superior Court judges' salaries. It also requires, with some exceptions, that probate judges elected on or after January 5, 2011 be attorneys.

The new law creates a commission to develop a plan to consolidate the 117 existing probate courts into between 44 and 50 districts and present the plan to the General Assembly by September 15, 2009. The Connecticut Probate Assembly can also submit a redistricting plan for the commission to consider.

(PA 09-114, effective October 1, 2009, with funding provisions effective January 1, 2011 and

compensation provisions effective January 5, 2011.)

Probate Court Districts

This act replaces the existing 117 probate districts with 54 districts. It requires that the Probate Court Administrator, by March 31, 2010 to designate a name for each probate district the act establishes. The act authorizes the Probate Court Administrator, before designating the name, to consult with affected probate judges and chief elected officials, and with members of the General Assembly concerning the districts they represent. By December 31, 2010, the Probate Court Administrator must publish the district names in the Probate Court's Directory of Judges and Districts. Once the district names are published, the probate districts must be referred to by these names.

(PA 09-1, September 23 Special Session, effective January 5, 2011 except for the provision requiring the probate court administrator to name the newly created probate districts by March 31, 2010, which is effective upon passage.)

Conveyances

This act authorizes conveyances of state property to Bridgeport, East Lyme, Putnam, South Windsor, and Trumbull. It amends prior conveyances in Greenwich, Griswold,

Middletown, New Britain, New Haven, Norwalk, and Windham. It requires (a) the Department of Transportation (DOT) to convey an easement to Danbury, (b) the Department of Environmental Protection (DEP) to lease property to Ridgefield, and (c) the Department of Public Works (DPW) to grant an easement to Norwich at Three Rivers Community College and transfer and convey an easement for the Department of Developmental Services to Enfield. It authorizes DPW to acquire title from Torrington for part of Clark Street.

The act also authorizes the exchange of maintenance facilities between DOT and the town of Westbrook. The transaction is subject to State Properties Review Board approval and the town must pay the administrative costs while DOT must pay for any property survey.

PA 09-4, September 23
Special Session, effective upon passage)

Fees for Recording Documents in Land Records

This act creates a grant program for milk producers and temporarily funds it by temporarily increasing a document recording fee as follows.

Under prior law, people paid town clerks a \$30 fee for each document recorded in municipalities' land records.

The act temporarily increases this fee to \$40 until July 1, 2011. By law, the town clerk retains \$1 of the fee and \$3 of the fee must become part of the municipality's general revenue and be used to pay for local capital improvement projects. Under prior law, by the 15th of each month the town clerk had to remit \$26 of these fees received during the previous calendar month to the state treasurer for the "land protection, affordable housing, and historic preservation account" in the General Fund. The act temporarily increases the monthly remittance to \$36 and renames the land protection, affordable housing, and historic preservation account, the "Community Investment Account."

Until July 1, 2011, the act exempts from this filing fee any document recorded on the land records that an employee of the state or of a municipality files in conjunction with the employee's official duties.

Under prior law, the funds in the state account were distributed so that 25% went respectively to support programs of the Connecticut Commission on Culture and Tourism (CCCT), Connecticut Housing Finance Authority (CHFA), the DEP, and DOAG. Under prior law, each year \$500,000 of DOAG's share of the funding had to go to the agricultural viability grant program; \$500,000 to the farm transition program; \$100,000 to encourage the sale of

Connecticut Grown food to schools, restaurants, retailers, and other institutions and businesses in the state; \$75,000 to the Connecticut farm link program, and any remaining funds DOAG received had to support farmland preservation programs.

Until July 1, 2011, the act increases, from 25% to 40%, the share DOAG receives and decreases from 25% to 20%, the shares for CCCT, CHFA, and DEP programs. It requires the remainder of the DOAG funds to go the agricultural sustainability account (for milk producer grants) that the act establishes instead of for farmland preservation programs. The act allows DOAG to use part of its overall funds to administer farmland preservation programs. (By law, each agency receiving funds may use up to 10% of the funds for administration of the programs for which the funds were provided.)

(PA 09-229, these provisions effective upon passage)

Disclosure of Historic District Designations to Prospective Residential Property Purchasers

The law requires a real estate seller to give a prospective purchaser a residential condition report before the binder or contract is executed in any residential real estate transaction (i.e., sale, exchange, or lease with

option to buy). This act it requires the report to include whether the property is located in a designated historic zone. Under the act, relevant historic designations include (1) a municipally designated village district, (2) a municipally designated historic district, or (3) property on the National Register of Historic Places. If the property is designated, the report must include a statement that information about village or historic districts may be obtained from the municipality's village or historic district commission.

(PA 09-127, effective upon passage)

Placing U.S. Flags on Veterans' Graves

This act prohibits municipalities, cemetery associations, or ecclesiastical societies that care for cemeteries from enacting bylaws that restrict the placement of U.S. flags on veterans' graves from the Saturday before Memorial Day until the Monday after July 4 in any year.

(PA 09-5, effective upon passage)

Disclosure of Automobile Liability Insurance Policy Limits

This act requires an automobile liability insurer to disclose the limits applicable under a policy it issued within 30 days after receiving a written

request for disclosure. The request must be made by, or on behalf of, a person alleging bodily injury or death resulting from a motor vehicle collision involving a person the insurer's private passenger automobile policy covers. The disclosure must be in writing and indicate all coverage the insurer provides to the insured, including any applicable umbrella or excess liability insurance.

The act requires that a letter from an attorney licensed to practice in Connecticut or an affidavit from the person alleging to have suffered injury as a result of the accident accompany a written request for the policy limits and include certain information. The written request for disclosure must be sent by certified mail directed to the insurance adjuster or to the insurance company at its last known principal place of business.

(PA 09-240, effective October 1, 2009 and applicable to claims arising on or after that date.)

Auditing Requirements

By law, municipalities and other entities that receive substantial amounts of state funding must undergo a single audit. The act defines a "single audit" as one that covers an entity's financial statements and state financial assistance. It increases, from \$100,000 to \$300,000, the amount of fiscal assistance an entity can receive

from the state before it becomes subject to the state single audit and related laws. It increases, from \$200,000 to \$1 million, the total amount of annual revenue certain entities must have before they become subject to the law. It modifies what constitutes a political subdivision for this purpose to include all types of special districts, rather than just fire districts, fire and sewer districts, and municipal utilities. By law, political subdivisions also include such entities as regional school boards and regional planning agencies.

Prior law allowed an entity to choose to have a program-specific audit instead of a single audit if all of the state financial assistance that it expended in the audit year was for a single program. The act specifies that this option is not available if a grant agreement or state or regulatory provision governing the state financial assistance program requires a financial statement audit.

The act gives auditors and the OPM greater discretion in determining which programs to audit. It requires the OPM secretary periodically to issue a state single audit compliance supplement containing information to help independent auditors conduct state single audits.

In addition to provisions that apply to all state programs, the law has a number of provisions that apply to major state programs. For example, the

auditor must perform procedures to obtain an understanding of internal controls sufficient to plan the audit and the testing of internal controls to support a low assessed level of control risk for such programs.

Prior law defined “exempt programs” as education cost sharing and various other educational grant programs. The act instead allows the OPM secretary to designate programs as exempt after consulting with the Auditors of Public Accounts and the commissioner of the state agency that awarded the state financial assistance.

By law, if a nonstate entity subject to the auditing requirements fails to designate an auditor to conduct its audit, the cognizant agency must do so. The act makes the nonstate entity responsible for paying the costs of any audit conducted by an auditor a cognizant agency designates.

By law, the agency may extend, by up to 30 days, the deadline for an entity to file copies of its audit with the relevant state agencies if the auditor making the audit and the entity's chief executive officer submit a joint request to the cognizant agency stating the reasons for the extension. The act additionally requires that the request include an estimate of the time needed to complete the audit. It requires the auditor or chief executive officer to promptly provide any additional information the agency requires.

Prior law allowed the agency to hold a hearing on the request. The act instead allows it to require the auditor and officials of the entity to meet with its representatives.

By law, the audit must determine whether an entity has complied with the laws, regulations, and grant provisions of major state programs, and the auditor must select and test a representative number of transactions from each such program. The act specifies that the auditor must do this to provide him or her with sufficient evidence of compliance.

(PA 09-7, October 2 Special Session, these provisions effective upon passage)

Congressional Redistricting

This act:

1. requires the street map showing voting district lines that town clerks provide to the secretary of the state be in a printed or electronic format that the secretary prescribes;
2. accelerates the time within which town clerks must report election returns by voting district to the secretary of the state for regular state elections;
3. requires town clerks in multi-district towns to certify that they have examined the results of any election or recount to determine whether there are discrepancies between total town votes and

- district-by-district votes, and if so, that they have notified the head moderators and corrected any such discrepancy; and
4. adopts the 1992 procedure for amending state and local political party rules, when necessitated by redistricting, during the second year after the census.

(PA 09-7, October 2, these provisions effective upon passage)

Eminent Domain

This act eliminates the Office of Ombudsman for Property Rights, which under prior law had to assist, on request, (1) public agencies in applying eminent domain law and analyzing actions with potential eminent domain implications and (2) property owners concerning eminent domain procedures. The act also eliminates requirements that public agencies seeking to acquire property by eminent domain (a) make a reasonable effort to negotiate with the property owner to buy the property before starting an eminent domain action and (b) provide the owner with information about the ombudsman. It eliminates provisions on the property rights ombudsman reviewing a statement of compensation for a taking under the redevelopment statutes or other takings that follow the procedures in the

redevelopment statutes. The statement describes the property and the amount the agency offers to pay for it. It goes to the property's owner, who can appeal the agency's description and offer to Superior Court.

The act eliminates the option for the court to refer the statement to the ombudsman if the parties to the appeal file a motion to that effect. The act eliminates the provisions that make the ombudsman's duties the same as those of the trial judge referee reviewing a statement.

(PA 09-7, October 2 Special Session, these provisions effective upon passage)

MUNICIPAL EMPLOYEES

Insurance Premium Payments for Terminated Employees

Under this act, an employer may elect to stop paying group health insurance premiums for an employee and his or her dependents as of 72 hours after the employee quits or is terminated for any reason but a layoff. It outlines requirements and conditions for employers and insurers. The act does not apply if a collective bargaining agreement requires an employer to pay an employee's insurance premiums after his or her termination.

(PA 09-126, effective October 1, 2009)

External Appeals of Insurance Company Determinations

This act establishes an expedited external appeal process that supplements the legally required standard external appeal process. By law, a health plan enrollee, or a licensed health care provider acting on the enrollee's behalf with his or her consent ("provider"), must exhaust the internal appeal process of the health insurer, managed care organization (MCO), or utilization review (UR) company that made an adverse determination before applying to the insurance commissioner for a standard external appeal.

The act permits an enrollee or provider to ask the insurance commissioner for an expedited external appeal before exhausting the company's internal appeal process if (1) he or she has filed a request for an expedited internal review and (2) the time to complete it could cause, or exacerbate, an emergency or life-threatening situation for the enrollee.

After receiving an expedited external appeal request, the required medical release, and a \$25 filing fee, the insurance commissioner must assign the appeal to an independent review entity. The act adopts (1) standards, procedures, record maintenance, and reporting requirements for review entities and (2) qualifications for clinical reviewers. The review entities and

their clinical reviewers decide whether to reverse, revise, or uphold a denial. The act makes a review entity's decisions regarding standard and expedited external appeals binding on the enrollee and the insurer, MCO, or UR company.

With respect to adverse determinations by a UR company, the act specifies that an enrollee's provider of record, the licensed practitioner with primary responsibility for the enrollee's treatment, is deemed to be acting on the enrollee's behalf and with his or her consent if (1) the admission, service, procedure, or extension of stay in question has not yet occurred or (2) the entity's coverage denial creates a financial liability for the enrollee.

(PA 09-49, effective October 1, 2009)

Insurance Coverage for Stepchildren

This act requires individual and group health insurance policies to cover stepchildren on the same basis as biological children.

It also extends the coverage eligibility law for individual health insurance policies to individual policies continued in Connecticut (i.e., those in effect) that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) limited benefits; (5) accidents only; and (6) hospital or medical services,

including coverage under an HMO plan. Under the law, which already applies to individual policies delivered, issued, amended, or renewed in Connecticut, a child remains eligible for coverage until the policy anniversary date on or after the date the child (1) marries, (2) ends Connecticut residency, (3) becomes covered under his or her employer's group health plan, or (4) turns age 26, whichever occurs first. The residency requirement does not apply to a child who is under age 19 or a full-time student at an accredited college.

Due to federal law, this and other state insurance benefit mandates do not apply to self-insured benefit plans.

(PA 09-124, effective upon passage)

Health Insurance Coverage for Autism

This act broadens what a group health insurance policy must cover concerning autism spectrum disorders. It requires a policy to cover the diagnosis and treatment of these disorders, including (1) behavioral therapy for a child age 14 or younger and (2) certain prescription drugs and psychiatric and psychological services. A policy can limit coverage for behavioral therapy to \$50,000 a year for a child age eight or younger, \$35,000 for a child from age nine to 12, and \$25,000 for a 13-or 14-year-old. But the new law specifies that it

does not limit or affect (1) other covered benefits under the policy or the state's mental and nervous condition and birth-to-three coverage laws or (2) a school board's obligation under state and federal law to provide services to a student with autism.

(PA 09-115, effective January 1, 2010)

Coverage for Wound Care

This act requires certain insurance policies to cover wound care supplies that are medically necessary to treat *epidermolysis bullosa* and administered under a physician's direction. *Epidermolysis bullosa* is a group of rare skin diseases characterized by recurring blisters and open sores.

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on and after January 1, 2010 that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including coverage under an HMO plan.

(PA 09-51, effective January 1, 2010)

Fire Insurance

This act makes numerous changes to the standard fire insurance policy that insurers, by law, must write in

Connecticut. Specifically, it shortens the time an insurer has to pay a claim from 60 to 30 days and increases the statute of limitations for filing a lawsuit relating to a claim from 12 to 18 months after sustaining a loss. Additionally, the act allows an insured person and the insurer to agree in writing to a partial claim payment in advance of final claim adjudication and requires an insurer to reduce the total amount due to an insured by the amount of any advance partial payment made. The act specifies that an advanced partial payment does not affect the 30-day time period for total payment.

(PA 09-164, effective October 1, 2009)

Same Sex Marriage

This act redefines “marriage” as the legal union of two persons. On October 1, 2010, it transforms civil unions into marriages unless they have been annulled or the couple has divorced or is in the process of dissolving their relationship. It exempts clergy; churches; and IRS-qualified, church-controlled organizations from officiating or participating in a marriage ceremony that violates their religious freedom or beliefs. It also (1) provides certain other religious organizations legal protections for refusing to provide services related to marriage ceremonies; (2) leaves unchanged the authority of

fraternal benefit societies to determine membership and beneficiaries; and (3) permits religiously-affiliated organizations that provide adoption, foster care, or social services to operate in the manner they choose so long as the specific program or purpose does not receive state or federal funds.

It establishes a rule controlling when marriages or substantially similar relationships formed in other jurisdictions must be recognized in Connecticut and gives other jurisdictions the discretion to recognize marriages and substantially similar relationships formed in Connecticut.

Many of the act’s provisions conform statutes to the Connecticut Supreme Court's decision in *Kerrigan v. Dept. of Public Health*, which held that it was unconstitutional to restrict marriage to a man and a woman.

(PA 09-13, effective upon passage, except the repeal of the civil union statutes and some conforming provisions are effective October 1, 2010.)

Marriage Licenses

Under prior law, marriage licenses could be issued by the registrar of the town where either person to be joined in marriage resides or the registrar for the

own where the marriage is to be celebrated. This act eliminates the former option.

(PA 09-232, effective October 1, 2009)

MUNICIPAL UTILITIES

Utility Terminations and Access to Meters

This act requires owners of residential buildings to give utilities (including municipal utilities) and heating fuel dealers access to meters and other facilities located on their premises. It subjects the affected parties to sanctions if they do not, including being held responsible for their tenants' utility bills.

The act also establishes verification requirements for the termination of residential utility service. These provisions apply to services provided by utility companies, municipal utilities, and competitive electric suppliers.

(PA 09-31, effective July 1, 2009)

Sewer Systems

This act allows a water pollution control authority (WPCA) to assess, in substantially equal installment payments over a period of up to 30 years, the cost of a sewer system whose acquisition, construction, or expansion is financed from the municipality's general reserves. It also allows

the municipality to charge a reasonable rate of interest on such assessments. It requires the WPCA to have the town clerk where the assessed property is located to place a certificate on the land records indicating the assessment.

By law, these provisions apply to the acquisition and construction of systems financed by municipal bonds. The act explicitly extends these provisions to systems expanded using bond financing.

By law, a certificate must be filed on the land records of property subject to sewer assessments. Under prior law, the town clerk had to cancel or remove the certificate within seven days after the last installment was paid or the total assessment was paid off. The act instead requires the tax collector to prepare a release of certificate and record the release on the land record under these circumstances.

(PA 09-89, effective October 1, 2009)

PLANNING AND ZONING

State Plan of Conservation and Development

The law requires the state, regions, and municipalities to prepare periodic plans for balancing the needs to conserve and develop land. This act postpones, from March 1, 2009 to March 1, 2011, the deadline for revising the five-year State

Plan of Conservation and Development (State Plan of C&D), which the Office of Policy and Management (OPM) prepares. In doing so, it resets the schedule for revising the plan and pushes back the deadline for recommending priority-funding areas. The act also requires the plan's next two revisions to be consistent with the state's plan for reducing greenhouse gas emissions.

Municipalities must prepare 10-year plans of conservation and development. Prior law disqualified those that failed to update their plans from discretionary state funds until they did so or the OPM secretary waived this provision. The act suspends the provision until the next time the state adopts its revised Plan of C&D, which, under the act, must happen by July 1, 2012.

Lastly, the act requires the Continuing Legislative Committee on State Planning and Development to study how OPM: (1) prepares the State Plan of C&D and incorporates specified smart growth principles in it, (2) applies the plan and these principles to state agency actions, and (3) integrates the plan with municipal and regional plans of C&D. The committee must consult with specified groups and report its findings and recommendations to the legislature by February 1, 2010.

(PA 09-230, most sections effective upon passage)

Land Use Permits-Validity Period

This act gives developers more time to complete an ongoing project without seeking reapproval. When a planning and zoning commission or an inland wetlands agency approves a project, it must set an expiration date. Consequently, a developer must complete the project before that date or resubmit it to the commission for approval. The expiration date must fall within the timeframes the law specifies. The timeframes vary depending on the commission and the nature of the project.

The act extends the timeframes for projects commissions approved between July 1, 2006 and July 1, 2009. Under prior law, the timeframes ranged from within two to five years for projects in wetlands to 10 years for large-scale residential and commercial projects. In some cases, prior law allowed commissions to extend the timeframes for up to 10 years from a project's approval date.

The new timeframes range from six to 11 years after a project's approval date. In some cases, the act allows zoning and planning commissions to extend a six-year timeframe to 11 years after the project's approval. Its extensions do not apply for large-scale housing and business development projects approved based on site plan which is a tool used to determine if a proposed

project conforms to the zoning regulations. The act also allows wetlands agencies to extend a permit's expiration date for up to 11 years.

(PA 09-181, effective upon passage)

Planning Commission Approval of Municipal Road Improvements

This act specifies the type of infrastructure project a municipality may implement without first requesting the planning commission's (or combined planning and zoning commission's) recommendations. By law, a municipal agency or legislative body cannot start a proposed infrastructure or public works project without seeking the commission's recommendations. But the law also exempts them from having to do so when maintaining or repairing existing property or public ways. The act extends this exemption to road resurfacing projects.

(PA 09-92, effective July 1, 2009)

Housing Incentive Grants

The law authorizes flat per-unit grants to municipalities that designate housing incentive zones and issue building permits for housing units to be built in these zones. Under prior law, the grant for designating zones was \$2,000 for each housing unit that can be built on developable

land in the zone. The building permit grant was \$5,000 for each single-family detached unit and \$2,000 for each multifamily, duplex, and townhouse unit. This act changes these flat per-unit grant amounts to maximum per-unit grant amounts and authorizes the OPM secretary to determine the grant amounts up to the authorized maximums. The law specifies the criteria for designating zones and the process for obtaining these grants.

(PA 09-7, October 2 Special Session, these provisions effective upon passage and applicable to grant payments beginning with those issued in FY 09)

PUBLIC ASSISTANCE

2009 Stimulus Payments

This act provides that any payment made under the American Recovery and Reinvestment Act (ARRA) 2009 may not be counted as income for an individual applying for or receiving needs-based benefits or services from any state or state-funded local program. Likewise, the payment cannot be counted as an asset for the month in which it is received and the following two months when determining eligibility or the amounts of benefits or services.

The act also provides that ARRA payments may not be counted as income for determining eligibility for, or

benefit levels of, individuals under any state-funded (1) property tax exemption or credit or rental rebate program financed either partially or entirely with state funds or (2) property tax relief program that a municipality, at its option, offers.

(PA 09-3, effective upon passage)

2008 Economic Stimulus Payments

This act excludes payments anyone received under the 2008 federal Economic Stimulus Act (P.L. 110-185) from any calculation of available income or resources made to determine eligibility or benefits for a state or a wholly or partially state-funded local benefit, property tax exemption, property tax credit, or rental rebate program or for any optional municipal property tax relief program. It excludes such payments for the month the payment was received and the following two months. The act repeals a narrower law that excluded stimulus payments from calculations for Department of Social Services-operated programs.

(PA 09-1, these provisions effective upon passage)

PUBLIC HEALTH

Notification of Contaminants in Drinking Water

This act requires the public health commissioner, no later than five business days after receiving notice that a public water system violates U.S. Environmental Protection Agency national primary drinking water standards, to notify, either in writing or electronically, the chief elected official of (1) the municipality where the public water system is located and (2) any municipality it serves. Under the Public Health Code a “public water system” is a water utility supplying water to 15 or more consumers or 25 or more people.

(PA 09-30, effective upon passage)

Bulk Purchasing of Pharmaceuticals

This act requires the Social Services (DSS) and Administrative Services commissioners and the comptroller, in consultation with the Public Health and Insurance commissioners, to develop a plan concerning the bulk purchasing of pharmaceuticals. Specifically, the plan must implement and maintain a prescription drug purchasing program and procedures to aggregate or negotiate pharmaceutical purchases for people eligible for

insurance under the municipal employee health insurance plan, among others.

The plan must include the state joining an existing multistate Medicaid pharmaceutical purchasing pool. It must determine whether it is feasible to subject some or all of the programs listed in the act to the preferred drug lists adopted by DSS for its various programs.

The act requires DSS to submit the plan to the Public Health and Human Services committees by December 31, 2009. The plan must include (1) an implementation timetable, (2) anticipated costs or savings, (3) a timetable for achieving any savings, and (4) legislative recommendations.

(PA 09-206, these provisions effective July 1, 2009)

Cemeteries and Crematories

This act allows municipalities, under certain circumstances, to acquire an abandoned cemetery, including ownership of any of its unoccupied lots or grave sites. It specifies notice requirements for such acquisitions and allows the owner of the cemetery, lot, or grave site to object to acquisition.

The act also expands restrictions on the siting of new crematories. Prior law prohibited, as of October 1, 1998, the siting of new crematories within 500 feet of any residential structure or land used for residential purposes not owned by the crematory owner. The act instead

prohibits zoning regulations from authorizing the location of a crematory within 500 feet of such structures or land, and extends the prohibition to include facilities used to cremate cattle and other types of livestock.

(PA 09-232, these provisions effective October 1, 2009)

LOCAL HEALTH DEPARTMENT FUNDING

This act changes the requirements that municipal and district departments of health must meet in order to receive state funding. It eliminates funding for part-time health departments, reduces funding for district health departments, and maintains funding (\$1.18 per capita) for full-time municipal health departments.

The act adds a requirement that a municipality with a full-time health department have a population of at least 50,000 in order to annual receive funding from the state. Existing requirements for municipal health departments, unchanged by the bill, require the municipality to (1) employ a full-time health director, (2) have a public health program and budget approved by DPH, and (3) appropriate at least \$1 per capita from annual tax receipts for health department services.

Also under current law, district health departments receive annual state funding of (1) \$2.43 per capita for each city, town, and borough in the district

with a population of 5,000 or less and (2) \$2.08 per capita for each such jurisdiction with a population over 5,000. The bill requires a health district to have a total population of at least 50,000 or serve three or more municipalities regardless of their combined total population in order to receive state funding. It reduces district funding to \$1.85 per capita.

(PA 09-3, September 24 Special Session, effective July 1, 2009)

PUBLIC SAFETY

Eluding Police Officers

This act increases the penalties for someone who, in order to elude a police officer, increases his or her driving speed after an officer in a police vehicle signals to stop by using an audible signal or flashing lights from a:

1. class D felony to a class C felony for a first offense that causes death or serious physical injury and
2. class D felony to a class C felony for a second offense, regardless of whether it causes physical injury.

By law, unchanged by the act, a first offense that does not cause death or serious injury is a class A misdemeanor.

By law, a first offense carries a one year driver's license suspension and a subsequent offense carries a suspension of 18 months to two years. By law,

a one year mandatory minimum sentence applies if the current and a prior offense caused death or serious injury.

The act makes assault of public transit personnel a class C felony, the same penalty as for assault of public safety and emergency medical personnel. A person commits this crime by assaulting a public transit employee who is performing his or her duties, with intent to prevent the employee from performing them, by doing any of the following to the employee:

1. causing injury;
2. throwing potentially damaging objects;
3. using tear gas, Mace, or a similar agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

The act defines a public transit employee as someone (1) employed by the state, a political subdivision, or transit district or (2) who operates a vehicle or vessel for public rail, ferry, or fixed route bus service or duties directly related to operating the vehicle or vessel under a contract with the transportation commissioner to provide transportation services.

Under prior law, assaults were punishable, depending on the conduct, by penalties ranging from a class A misdemeanor to a class A felony.

(PA 09-191, effective October 1, 2009)

Silver Alerts

This act requires the Department of Public Safety's Missing Child Information Clearinghouse to collect, process, maintain, and disseminate information to help local authorities locate missing seniors age 65 and older and adults with mental impairments who are at least 18 years old. It also requires local police receiving a report of a missing senior or mentally impaired adult to immediately accept the report and notify all on-duty police officers and other appropriate law enforcement agencies. Prior law required this only for reports of missing children under age 15.

(PA 09-109, effective July 1, 2009.)

Enhanced 9-1-1 Service Database

This act allows subscriber information in the enhanced 9-1-1 (E 9-1-1) database to be used for enabling emergency notification systems (e.g., Reverse 9-1-1) in life-threatening emergencies. It defines an "emergency notification system" as a service that notifies the public of emergencies. Under prior law, subscriber information could be used only in responding to emergency calls or investigating false or intentionally misleading reports of incidents requiring emergency service.

The act defines "subscriber information" as the name, address, and telephone number in the E 9-1-1 database of a telephone used to place a 9-1-1 call or in connection with an emergency notification system. It makes confidential and exempt from the Freedom of Information Act subscriber information provided for (1) enabling such systems and (2) the other purposes specified under existing law.

The act outlines procedures governing release and use of database information by database providers, the Office of State-wide Emergency Telecommunications, the Department of Emergency Management and Homeland Security, and public safety answering points.

(PA 09-86, effective July 1, 2009)

Mass Gatherings

This act lowers the attendance and durational thresholds, from 3,000 to 1,000 people or 18 to 12 consecutive hours, that trigger the requirement for an event organizer to obtain a mass event license from the local police chief or first selectman. It requires that the license application be made to the municipality's governing body at least 15, rather than at least 30, days before the event.

(PA 09-232, these provisions effective October 1, 2009)

Liability of Fire Departments that Install Smoke and Carbon Monoxide Detectors

This act exempts fire departments from liability for civil damages for personal injury, wrongful death, property damage, or other loss when they deliver or install smoke or carbon monoxide detectors or batteries for these devices at residential premises. The devices must be (1) new, (2) in compliance with all applicable current safety and manufacturing standards, (3) installed in accordance with the manufacturer's instructions, and (4) installed or delivered in the department's official capacity.

Under the act, a "fire department" includes any municipal, independent, or volunteer fire department; fire district; or independent fire company and members of these entities.

(PA 09-78, effective October 1, 2009)

Local Fire Marshals

By law, deputy fire marshals must serve under the direction of local fire marshals, fire inspectors, and other fire investigators when enforcing the State Fire Safety Code and pertinent statutes. This act conforms the law to practice by authorizing the deputy fire marshal or acting fire marshal to assume the authority granted to local fire marshals in cases

where a local fire marshal has not been appointed.

By law, the appointing authority may appoint a certified deputy fire marshal to act as fire marshal for up to 180 days upon the death, disability, dismissal, retirement, or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal.

(PA 09-35, effective October 1, 2009)

Miscellaneous Changes

This act makes numerous unrelated changes in various statutes affecting local fire marshals, among other things.

Prior law required local fire marshals or local police officers to notify the state fire marshal when they issued an order to vacate a building posing a risk of injury or death and the conditions cannot be corrected in four hours or less. The act requires them either to notify or submit a copy of the order to the state fire marshal. The state fire marshal must review the order and, after consulting with the local official, determine whether to uphold, modify, or reverse it. He or she may order any additional conditions he or she considers appropriate to protect people from injury.

The act requires fire marshals to notify the proper state or federal occupational health and safety agency (i.e., the state or federal Occupational Safety and Health Administration), instead

of the labor commissioner, if they determine that a manufacturing facility contains dangerous accumulations of rubbish or flammable material especially liable to cause a fire and endanger life or property.

Prior law required local fire marshals, annually, to inspect tanks used to store LPG, LNG, hazardous chemicals, or other flammable or combustible liquids, and cargo tank vehicles used to transport such chemicals or liquids; report any hazards found to the public safety commissioner; and issue an inspection certificate to be kept in the vehicle at all times. It prohibited transporting flammable or combustible liquid in such vehicles until they have been inspected.

The act eliminates the mandatory vehicle inspections, allowing municipalities, instead, to require, by ordinance, inspection of such vehicles registered with the motor vehicles commissioner. It prohibits operation of any such vehicle without inspection, if required. The act also eliminates the mandatory (1) tank inspections and (2) hazard reports.

The act allows appeals of an ordinance or local fire marshals' actions to the Superior Court in the district where the vehicle is registered.

(PA 09-177, various effective dates)

Fire Police Officers

This act requires fire police officers directing traffic to wear at all times, not just after dark or in inclement weather, a traffic vest, orange or lime green raincoat, or other reflectorized orange or lime green outer clothing that meets national, state, and local safety standards. It (1) allows such officers to wear headgear that meets national, state, and local safety standards, as an alternative to the currently required helmet or regulation fire-police dress uniform cap and (2) eliminates the requirement that the helmet be white.

By law, fire chiefs may, within available appropriations, appoint "such number of persons" as they deem necessary to be fire police officers. The act specifies that they may appoint fire department members as such. It allows a department's fire police officers, while on duty with the department or another municipality's department, to exercise their powers and carry out their duties in any town, not just an adjoining town, where the department is engaged in mutual assistance. Fire police officers direct traffic and perform other responsibilities at fire scenes.

(PA 09-137, effective October 1, 2009)

Mutual Aid and Mobile Support Units

This act eliminates the state's duty to reimburse towns for (1) compensation and actual and necessary travel, subsistence, and maintenance expenses paid to members of a civil preparedness force while in training as members of a mobile support unit and (2) payments for employee death, disability, and injury incurred in the course of such training. It also extends state reimbursements to members of any unit that the Department of Emergency Management and Homeland Security commissioner orders to emergency duty.

The act specifies that the reimbursements and certain rights, immunities, and powers afforded to first responders apply only when they are ordered to emergency duty by the governor or commissioner under CGS § 28-6.

By law, state or municipal employees engaged in officially authorized civil preparedness duties as members of civil preparedness units have the powers, duties, rights, privileges, and immunities and receive compensation incidental to their employment. Other civil preparedness personnel have the same rights and immunities as state employees and are entitled to state compensation for their services.

(PA 09-27, effective October 1, 2009)

Police Officer Training and Family Violence Issues

By July 1, 2010 this act requires the Police Officers Standards and Training Council (POST) to establish uniform protocols for treating family violence victims whose immigration status is questionable and make them available to law enforcement agencies. The agencies must adopt and use the protocols once POST establishes them. And peace officers at a family violence scene must assist such victims in accordance with the protocols.

The act requires every law enforcement agency to designate at least one supervisor to expeditiously process specified federal documentation upon request of a victim of family violence or other crime applying for U Nonimmigrant status. The official must process (1) a certificate of helpfulness on Form I-1918, Supplement B or any subsequent corresponding form designated by the U.S. Department of Homeland Security, confirming that the victim has been, is being, or is likely to be helpful in the investigation or prosecution of the criminal activity and (2) any subsequent certification the victim requires.

By law, POST training for law enforcement officers handling family violence matters must include legal duties imposed on police officers to (1) make arrests

and (2) offer protection and assistance. The act specifies that this must include applicable probable cause standards. It requires that, starting July 1, 2010, the training program must include, within available appropriations, information on:

1. the impact of arrests of multiple parties in a family violence case on the parties' immigration status;
2. crime scene investigation and evaluation practices in family violence cases designed by POST to reduce the number of multiple arrests in family violence cases; and
3. practical considerations in the application of state statutes related to family violence and other crimes.

(PA 09-7, October 2 Special Session, these provisions effective July 1, 2010)

REGIONAL PLANNING

Regionally Significant Development Projects

This act requires each regional planning organization (RPO) to establish a voluntary process for applicants to state or local agencies, departments, or commissions to request a pre-application review of proposed projects of regional significance. There are three types of RPOs: regional councils of governments, regional councils of elected officials, and regional planning agencies. Under the act, a project

of regional significance is an open air theater, shopping center or other development to be built by a private developer that is planned to create more than (1) 500,000 square feet of indoor commercial or industrial space, (2) 250 housing units in one to three story buildings, or (3) 1,000 parking spaces.

The act requires the RPO process to determine the components of the review. These components must include a procedure to assure that all relevant municipalities and regional and state agencies provide the applicant with (1) preliminary comment on the project, in a form determined by the agency; (2) summaries of the review process of each agency; and (3) an opportunity for the applicant to discuss the project with representatives of each relevant municipality or state agency at a meeting convened by the RPO. At least one representative from each relevant municipality and each state agency, department, or commission must participate in a review of the project at the RPO's request at a meeting convened for this purpose. This requirement applies if the RPO notifies each agency, department, or commission of the meeting at least three weeks in advance. An RPO cannot convene more than one meeting for a particular project in any quarter of a

calendar year. The act does not prevent two or more RPOs from convening joint meetings to carry out the act.

The results or information obtained from the pre-application review cannot be appealed under any provision of the statutes and are not binding on the applicant or any authority, commission, department, agency, or other official having jurisdiction to review the proposed project.

The RPO must prepare a report of the comments of the agencies reviewing the proposal and give a copy of the report to the applicant and each reviewing agency.

(PA 09-165, effective October 1, 2009)

Membership on Regional Planning Agencies

This act increases the membership of regional planning agencies' (RPAs) boards, which consist entirely of municipal representatives. RPAs operate in five of the state's 15 planning regions. Under prior law, each municipality belonging to an RPA was entitled to at least two board representatives. The act increases that number to three by making each municipality's chief elected official (CEO) or his or her designee a board member. As under prior law, municipalities with over 25,000 people are entitled to one additional representative for each additional 50,000 people or fraction thereof. They may elect

or appoint their respective representatives.

The act similarly increases the number of board representatives for cities and boroughs located within a town. The law entitles a city or borough to a representative if at least half of the town's total population resides there and its boundaries are not coterminous with those of the town. Prior law entitled the town and the city or borough to one representative each. The act entitles the city or borough to an additional representative and allows one of these representatives to be its CEO or his or her designee. The act also increases the town's representatives to two, but it allows, rather than requires, one of these to be the town's CEO or his or her designee.

The act does not change the rule entitling the town or the city or borough to an additional representative. The rule applies if their combined population exceeds 25,000. In this case, either of these jurisdictions is entitled to an additional representative for each additional 50,000 people, depending whether they reside inside or outside the city or borough.

The state's five RPAs are Central Connecticut RPA, Connecticut River Estuary RPA, Greater Bridgeport RPA, Midstate RPA, and Southwestern Connecticut RPA.

(PA 09-80, effective October 1, 2009)

This act amends PA 09-80 to reduce the minimum number of RPA representatives per municipalities to two, but requires one of them to be the municipality's CEO, or his or her designee.

(PA 09-7, October 2 Special Session, this provision effective upon passage)

STATE/MUNICIPAL RELATIONS

This act requires the environmental protection, public health, and transportation commissioners and the State Traffic Commission, within 60 days after receiving a formal petition, application, or request for a permit from a municipality that must be submitted to these officials, to conduct a preliminary review solely to determine whether the submission is acceptable for filing. The official must notify the municipality of the results of the review. The act does not preclude the officials from requesting additional information after sending this notice. The officials must do their review within available appropriations. The act takes priority over laws requiring other procedures.

(**PA 09-190**, effective October 1, 2009)

TAXATION

Revaluation and Adjustments in Property Values

This act allows a municipality to (1) delay a revaluation scheduled for the 2008, 2009, or 2010 assessment year until the 2011 assessment year and (2) suspend a current revaluation phase-in for up to three years, also until the 2011 assessment year.

It also allows two or more municipalities to agree to revalue their property for property tax purposes according to the same schedule, even if it requires some to revalue later than their individual statutory schedules require. OPM secretary must approve a regional revaluation schedule and any delay in a municipality's scheduled revaluation to accommodate a regional schedule.

Finally, the act repeals a law that allowed municipalities to adjust, with the approval of their legislative bodies, real property values in the assessment years between revaluations. They could do so by calculating an average annual adjustment based on sales data instead of performing an annual revaluation based on the methods the law authorizes. Municipalities that chose to adjust the values in this manner had to continue doing so until the next revaluation and still had to revalue property every five years as the law requires.

(PA 09-60, effective July 1, 2009 and applicable to assessment years starting on or after October 1, 2008. PA 09-196 changed the effective date of the revaluation delay provisions of this act to upon passage and applicable to assessment years starting on or after October 1, 2008.)

Property Tax on Property Owned by RPOs

This act exempts real property owned by or held in trust for a regional planning organization (RPO) from property tax, so long as (1) the property is used to advance the organization's official duties and (2) the municipality where the property is located approves the exemption. By law, the three types of RPOs are regional councils of governments, regional councils of elected officials, and regional planning agencies.

(PA 09-226 effective October 1, 2009 and applicable to assessment years commencing on or after October 1, 2009.)

Property Tax Exemptions in Enterprise Zones

This act changes the criterion under which property owners qualify for a property tax exemption when they improve homes, apartments, condominiums, and other types of residential property in the state's 17 enterprise zones. By law, municipalities must exempt

a portion of the property's assessed value attributed to the improvements over seven years.

Property owners who improve rental units or convert them into condominiums must rent or sell them, respectively only to people meeting an income criterion. Under prior law, they had to rent or sell the units to people earning no more than 200% of the municipality's median family income. Under the act, property owners must rent or sell the units to people earning no more than 200% of the median income for the area in which the municipality is located, as determined by the U.S. Department of Housing and Urban Development.

(PA 09-93, effective October 1, 2009)

Property Tax Exemptions for Veterans

This act expands the pool of people eligible for veterans' war service benefits by changing the start and end dates of Operation Earnest Will (escort of Kuwaiti oil tankers flying the U.S. flag in the Persian Gulf). The benefits include property tax exemptions, among other things.

The act also specifies that the 90 days qualifying war service required for benefit eligibility do not have to be consecutive, by defining "service in time of war" as "ninety or more cumulative days," instead of "ninety or more days," in statutorily specified wars or operations. By law,

unchanged by the act, a veteran does not have to meet the 90-day requirement if he or she (1) left the service earlier because of a service-connected disability or (2) served for the duration of a war or operation that lasted less than 90 days.

(PA 09-117, effective upon passage)

This act eliminates the requirement that a veteran claiming the disabled veterans' property tax exemption provide annual proof of disability unless he or she is age 65 or older or rated permanently disabled by the U.S. Veterans' Administration (VA). Under the act, any veteran, regardless of age or disability rating, who submits initial proof of his or her VA disability rating to the town assessor must submit proof and reestablish eligibility in subsequent years only if the VA modifies the rating.

The disabled property tax exemption is available to veterans with a disability rating of 10% or greater. Exemption amounts range from \$1,500 to \$3,000.

(PA 09-176, effective upon passage)

Property Tax Amnesty and Exemption Programs

This act allows municipalities to apply amnesty payments against any outstanding tax owed on property if they are implementing the one-time amnesty program authorized

under PA 08-2, November Special Session. Under prior law, municipalities had to apply delinquent payments against the oldest outstanding tax owed on a property.

The act changes income criterion improved condominiums and multifamily housing units must meet to qualify for enterprise zone property tax exemptions. Under prior law, the units had to be occupied by people earning no more than 200% of the municipality's median family income. Under the act, they must be occupied by people earning no more than 200% of the median income of the area where the municipality is located, as determined by the U.S. Department of Housing and Urban Development (HUD). HUD annually determines area median income for families adjusted for size.

(PA 09-234, these provisions effective upon passage)

Property Tax Sharing

This act allows the chief elected officials of two or more municipalities that belong to the same federal economic development district to enter into mutual agreements to (1) promote regional economic development and (2) share the real and personal property tax revenue from new economic development. The agreement must (1) provide that the municipalities not compete for

new economic development and (2) specify the types of projects subject to the agreement. The municipalities must send a copy of the agreement to the OPM secretary who must determine, within 30 days, whether it is consistent with the act's requirements. The secretary must send his determination to the revenue services commissioner.

The act requires regional councils of elected officials to identify opportunities and obstacles to interlocal agreements that promote regional cooperation and promote agreements between towns entered into under the act.

(PA 09-231, effective October 1, 2009)

Limits on State Pilot Payments for Certain Machinery and Equipment

This act caps annual state payments in lieu of taxes (PILOTs) to municipalities for manufacturing machinery and equipment eligible for mandatory exemptions from local property taxes.

By law, depending on when it was acquired, eligible equipment and machinery used in manufacturing, biotechnology, or recycling is either fully exempt from local property taxes or partially exempt until July 1, 2013 and fully exempt thereafter. The law also requires the state to make PILOT payments to municipalities to compensate

them for lost revenue. The act requires these payments to be proportionately reduced in any year in which the total amount payable exceeds the state's budgeted appropriation for such payments.

The act also continues the existing cap on annual PILOT payments to municipalities for revenue lost from the required 80% property tax exemption for new commercial trucks. Under current law and the act, those payments must be reduced if the total amount payable in any year exceeds the state's budget appropriation for the payments.

(PA 09-7, October 2 Special Session, this provision effective upon passage)

Municipal Video Competition Trust Account

This act makes minor changes in how the Municipal Video Competition Trust Account is allocated. This account is funded by a tax on competitive video services and is distributed as property tax relief to municipalities. The act specifies that the amount to be distributed each fiscal year is the amount in the account at the end of the preceding fiscal year.

By law, unconsolidated cities and boroughs are entitled to part of their town's share of the money in the account. The split between the city and borough and the town in which it is located is based on their respective property tax levies.

The act specifies that the levies are those for the most recent fiscal year for which a certified copy of the audit report required by law has been received by OPM. The act also allows an affected town to keep the money that would have gone to the city or borough if the city or borough's allocation is less than \$5.

(PA 09-7, October 2 Special Session, these provisions effective upon passage)

TRANSPORTATION

“Blocking the Box”

This act allows a municipality to adopt an ordinance designating intersections where a motor vehicle may not enter if the space on the opposite side of the intersection is too small to allow the vehicle to cross without obstructing the passage of other vehicles or pedestrians. This applies even if the traffic light permits the motor vehicle to proceed. But it does not apply to entering an intersection to make a turn or to tractor-trailers.

The act requires the municipality to (1) post signs that blocking the intersection is prohibited and violators can be fined and (2) use white paint to mark the intersection's boundaries and the area within it with parallel diagonal lines, using lines at least one foot wide.

The act makes a violation an infraction.

(PA 09-171, effective October 1, 2009)

Programs and Activities of the Department of Transportation

This act makes numerous changes to laws governing the operations of the Department of Transportation (DOT), including the following that affect municipalities. It:

1. permits DOT to sell property acquired for potential use as the route 7 expressway between Danbury and Norwalk;
2. prohibits DOT from starting any phase of the Stamford Transportation Center parking garage demolition project unless it makes alternative parking spaces available nearby;
3. requires DOT to study the feasibility of providing commuter bus service to the Bridgeport train station;
4. prohibits a town from terminating, reorganizing, or modifying a port authority or port district without the DOT commissioner's written consent;
5. requires DOT to (a) develop a plan to implement zero-emission buses throughout the state and identify locations for hydrogen refueling stations and (b) analyze the potential

- impact of establishing electronic tolls in Connecticut; and
6. designates commemorative or memorial names for 17 road segments and 11 bridges, designates informational signs for eight destinations, and modifies or changes several other memorial names.
- (PA 09-169, various effective dates)

Functions of the Department of Motor Vehicles

This act makes numerous changes to motor vehicle laws and operations of the Department of Motor Vehicles (DMV), including several that affect municipalities.

The act authorizes any local traffic authority to permit the operation of golf carts, during daylight hours, on any road under its jurisdiction. A golf cart must be equipped with an operable horn meeting the requirements of state law and a flag positioned to assist other drivers to see the golf cart. The traffic authority must limit their operation to roads with a posted speed limit of 25 miles per hour or less. The operator of such a golf cart must carry a valid Connecticut driver's license. The act authorizes the DMV commissioner to establish

insurance requirements for golf carts by regulation. Violations of these requirements are designated as infractions.

The law caps the assessed value of an antique, rare, or special interest motor vehicle for municipal property tax purposes to at \$500. Under the act, the local tax assessor may require the owner of such a vehicle to provide reasonable documentation that the vehicle is an antique, rare, or special interest motor vehicle as defined in the law. However, if the vehicle has been issued the special license plate for such vehicles, the owner cannot be required to provide the additional documentation.

The act requires the DMV commissioner to evaluate alternative enforcement methods and certain other issues related to the handicapped parking laws. The commissioner must conduct the study in consultation with members of local police departments. The study must:

1. review and evaluate alternative ways of enforcing the handicapped parking laws in areas not normally patrolled by local police, including private property open to public use;
2. develop recommendations, including any necessary legislation, authorizing local police departments to use ancillary staff for handicapped parking enforcement including

- retired police officers and licensed private security companies; and
3. recommend increased fines and mandatory court appearances for violators.

The commissioner must submit recommendations to the Transportation Committee by January 15, 2010.

The act specifies that the State Police, the Police Officer Standards and Training Council, and each municipal police department “be encouraged” to provide in each basic or review police training program they conduct or administer training on highway work zone safety. The act requires the Highway Work Zone Safety Advisory Council to develop a program curriculum and make it available to and recommend it to the various training entities.

(**PA 09-187**, various effective dates)

Funding for Town Aid Road Program

This act amends the bond act (HB 7004) to specify that up to \$8 million in general obligation bonds may be issued in FY 10 and also in FY 11 for distribution under the town-aid road grant program. HB 7004 authorized issuance of general obligation bonds for the program, but did not specify any amount. HB 7004 also authorizes up to \$22 million in special tax obligation bonds for this program in each of the two fiscal years.

(PA 09-7, October 2 Special Session, this provision effective upon passage)

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