



2001 Major Acts

(Regular Session)

Prepared for Members of the Connecticut General Assembly
by the Office of Legislative Research

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NOTICE TO READERS

These summaries are intended to be brief descriptions of the most significant, far-reaching, and publicly debated acts adopted by the General Assembly in its 2001 Regular Session. Not all provisions of the acts are included, and the governor has not signed all these listed. The Major Public Acts are



posted on the intranet at <http://cgalites/olr/> and on the internet at <http://www.cga.state.ct.us/olr/>.

The Office of Legislative Research also produces a number of specific reports highlighting legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. Our 2001 Public Act book, which contains detailed summaries of all public acts, will be available in early fall.

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BUSINESS

Financing Brownfield Remediation and Information Technology

This act allows the Connecticut Development Authority (CDA) or its subsidiaries to issue bonds on behalf of towns for information technology and brownfield remediation projects. CDA and its subsidiaries can approve projects for financing until June 30, 2005. CDA, its subsidiaries, or the towns are liable for these bonds, which can be repaid with the project's income and revenue, including incremental property tax revenue and payments in lieu of taxes. CDA can require developers to waive some or all of the state-reimbursed property tax exemptions available for projects in towns with enterprise zones.

The act extends to its subsidiaries CDA's ability to issue bonds on behalf of towns to finance a wider range of projects that are part of a plan to redevelop a locally designated area. Towns are solely liable for these bonds.

The act allows CDA to buy back its debt, grant money to its subsidiaries, and guarantee their debt. It also updates statutory references regarding CDA's powers.

(**sSB 823**, effective October 1, 2001)

Protecting Home Heating Oil Purchasers

This act requires all retail home heating-oil dealers to:

1. register each year with the Department of Consumer Protection (DCP) starting October 1, 2001,
2. maintain at least \$1 million of insurance coverage for potential environmental damage resulting from fuel oil spills they cause, and

3. put in writing any home heating-oil contracts that offer a guaranteed-price plan and clearly disclose their terms or conditions.

It also requires dealers offering plumbing and heating work to employ only DCP-licensed or -registered individuals or subcontractors to perform this work, and it requires the dealers to display those license or registration numbers on all commercial vehicles used in their business and in their advertisements, contracts, invoices, and other business documents. It allows DCP to revoke or suspend a retail home heating-oil dealer's registration after the opportunity for a hearing. It authorizes the commissioner to adopt implementing regulations and makes violating the act an unfair trade practice.

(**PA 01-46**, effective July 1, 2001)

Privatized Public Records

This act subjects the records and meetings of businesses, organizations, and individuals to Freedom of Information Act (FOIA) requirements on disclosure and openness if these entities are deemed to be the functional equivalent of a public agency. The act does not define "functional equivalence" or establish standards for determining it, but the state Supreme Court established standards in *Board of Trustees of Woodstock Academy et al. v. Freedom of Information Commission et al.*

The act also opens to disclosure under FOIA the records and files of entities that contract for more than \$2.5 million to perform a government function (as the act defines this), but only to the extent that the records and files relate to the entity's performance of the function. The contracts must also require more than the mere provision of goods and services to an agency with no responsibility to

administer or manage the agency's program.

The contract must provide that the (1) agency is entitled to copies of the entity's covered records and files and (2) records are subject to FOIA and disclosable to the public. Anyone who wants to inspect or copy them must make his request to the agency. And, pursuant to FOIA, complaints must go to the Freedom of Information Commission. An agreement between a state agency and a foundation established to support it is not considered a contract for the act's purposes.

(**sHB 6636**, effective October 1, 2001)

Using Transaction Scanners In Liquor And Tobacco Sales

This act gives retailers an affirmative defense if they sell alcohol or tobacco to a minor after relying on an electronic scan of the buyer's driver's license or Department of Motor Vehicle identity card. The act restricts how the retailers can use the scanning device, restricts the information they can record, and forbids selling or distributing information derived from the scan to third parties. It prohibits them from selling alcohol or tobacco if the information printed on the driver's license or identity card is false or fraudulent or does not match the scan results.

The act also permits people to import beer, wine, and liquor from outside Connecticut for their own consumption without having to be present at the point of purchase.

(**PA 01-92**, effective October 1, 2001)

Abusive Home Loan Lending Practices

This act requires lenders to disclose to prospective borrowers seeking high-cost home loans the interest rate, the consequences of mortgaging a home, and other information. It prohibits lenders

from imposing certain loan conditions or from taking certain actions with respect to high-cost home loans, such as charging unwarranted or excessive fees or providing incomplete information. It also imposes conditions on lenders' ability to sell credit insurance to a borrower.

The act allows lenders to charge a fee for payoff statements only when they are delivered on an expedited basis under an agreement with a borrower. And it creates new penalties for violators.

(**PA 01-31**, effective October 1, 2001)

Licensing Insurance Producers

This act revises the licensing requirements for individuals and businesses seeking to sell insurance in Connecticut and satisfies federal Financial Modernization Act of 1999 requirements. The act eliminates barriers to licensing nonresident insurance producers here by establishing reciprocity with other states and requiring the use of a uniform application form. It revises the requirements and qualifications needed to obtain a resident license, adds to the list of people exempt from licensing, and expands the grounds for disqualifying individuals from obtaining or maintaining a license.

The act also (1) revises the process for appointing producers that act on behalf of an insurer; (2) adds certain producer reporting requirements; (3) exempts bail bond and title insurance from its provisions; (4) adds educational requirements for excess-line producers; (5) modifies the requirements for temporary, renewal, and reinstated licenses; (6) broadens the insurance commissioner's authority to contract for certain services; and (7) authorizes the commissioner to adopt implementing regulations.

(**PA 01-113**, effective September 1, 2002)

Commercial Real Estate Brokers' Commissions

This act permits a real estate broker who enters into a commission agreement with a landlord or tenant in a commercial lease transaction to enforce the agreement against them or any of their grantees, successors, and assignees after the property's sale, transfer, assignment, or other disposition.

The act specifies that a properly executed commission agreement is a binding contractual obligation on the landlord or tenant, superseding any law that would otherwise consider the agreement the personal obligation of the original landlord or tenant named in the lease.

The act requires the broker to record the notice of commission rights on the land records in the town clerk's office where the property or leasehold is located within 30 days after the lease is signed or the tenant's occupancy begins, whichever is later. It prescribes the language that the notice must contain.

The act specifies that the notice of commission rights may not be construed as a lien on the property.

(PA 01-88, effective October 1, 2001)

Violent Video Games

This act requires the consumer protection commissioner to fine business owners who allow minors to play video games with "violent point and shoot video simulators." These are devices that allow players to shoot simulated firearms at human targets depicted on video screens. Fines may be up to \$1,000 for each violation.

(PA 01-54, effective October 1, 2001, VETOED)

CRIME

Death Penalty

This act:

1. adds as an aggravating factor that the jury or judge considers when deciding whether to sentence a person to the death penalty or life imprisonment without release, that the defendant murdered a law enforcement officer or certain other people in certain circumstances;
2. prohibits imposing a death sentence on a defendant with mental retardation;
3. creates a Commission on the Death Penalty to study issues of fairness, equity, disparity, cost, and judicial and administrative process in the imposition of the death penalty in Connecticut; and
4. changes the scope of the capital felony statute by (a) including murder of a conservation or special conservation officer while the victim was acting within the scope of his duties and (b) eliminating the illegal sale of cocaine, heroin, or methadone for financial gain to a person who dies as a direct result of using the drug.

(sSB 1161, effective July 1, 2001)

Assault Weapons, Firearms Evidence, and Single Gun Permit

This act expands the number of firearms designated as assault weapons by adding those with certain characteristics. But people can continue to transfer and do not have to register any of the newly designated firearms made before September 13, 1994. The act, with exceptions, makes it a crime to give away; bring into the state; or keep, offer, or expose for sale armor-piercing .50 caliber bullets or incendiary .50 caliber bullets.

The act also establishes a firearms evidence databank to store computer-based images of discharged ammunition and the unique markings or impressions a gun leaves on bullets and bullet casings (ballistic data), creates a single gun permit system by eliminating the local permit to carry handguns, and tightens the controls over people possessing firearms in family violence situations.

(**SB 1402**, effective October 1, 2001)

Mandatory Minimum Sentences

This act allows judges to impose less than the law's mandatory minimum sentence on some drug felons. They can do so when no other person was hurt during the crime and the defendant (1) did not use, attempt, or threaten to use physical force; (2) was unarmed; and (3) did not use, threaten to use, or suggest that he had a deadly weapon.

Defendants must show good cause and invoke the act's provisions only once, and judges must put on the record their reasons for imposing a lesser sentence. Certain drug offenses involving children are excluded.

(**PA 01-99**, effective July 1, 2001)

Voting Rights For Convicted Felons

With one exception, this act enables felons on probation to vote and run for public office. It does so by limiting the amount of time a person can be disenfranchised to the period during which he is committed to (1) the Department of Correction (DOC) commissioner's custody to be confined in a correctional institution, facility, or community residence or placed on parole; (2) a federal prison; or (3) the custody of the chief corrections official of another jurisdiction. A person released from prison after serving time for an elections-related

felony conviction cannot get his rights back until he is discharged from parole or probation.

The act requires the DOC commissioner, instead of the Judicial Department, to send the secretary of the state lists of felons whose voting rights should be forfeited and those eligible to have their rights restored. It establishes a new procedure for restoring the voting rights of felons who were confined to the commissioner's custody.

It requires the Office of Adult Probation to use available appropriations to inform people on probation on January 1, 2002 of their right to become voters and of the new restoration procedures.

(**PA 01-11**, effective January 1, 2002)

Crime Victims' Rights

This act gives crime victims greater access to the criminal justice system and makes other changes in criminal law.

Among things, it:

1. requires courts to notify crime victims who ask (a) when a sexual offender asks to be exempt from sexual offender registration or to restrict public dissemination of his registration information and (b) when an inmate requests a sentence reduction or review or early release;
2. requires courts to impose financial restitution as a part of the sentence of offenders convicted of a crime involving injury to another person or damage to or loss of property;
3. extends eligibility for youthful offender status to people charged with a sexual offense involving consensual sexual intercourse or contact between the youth and a child between ages 13 and 16;
4. prohibits courts from granting convicted murderers child visitation

- rights;
5. authorizes the immediate families of dead people to complain about a prosecutor's decision not to prosecute; and
 6. stays, until after the criminal proceedings, any civil action brought by a criminal defendant against a crime victim.

(**sHB 7007**, effective October 1, 2001)

A second act requires Superior Court judges to advise crime victims with pending cases of so-called "crime victims' constitutional rights" daily at the start of arraignment. The act specifies that the judges' statement is to ensure that victims coming before the court know their rights.

(**PA 01-35**, effective October 1, 2001)

EDUCATION & TRAINING

School Construction Projects

This act authorizes state grant commitments totaling just over \$763 million for 130 school building projects with a total estimated cost of \$1.3 billion. The money for the grants comes from state bonding and is used to reimburse school districts for from 20% to 80% of eligible school construction costs, depending on the districts' wealth. Some construction projects, such as those for vocational agricultural centers or interdistrict magnet schools are 100% reimbursable.

The act also authorizes approximately \$383 million in state grants for previously authorized projects that have changed substantially (more than 10%) in scope or cost and waives certain procedural requirements for 17 projects.

(**sSB 1305**, effective on passage)

Higher Education

This act authorizes the Board of Governors of Higher Education to allow

Connecticut State University (CSU) to award education doctoral degrees for five years. Under prior law, only UConn could award doctoral degrees.

The act also (1) extends the state's commitment to match 50% of the contributions to public college and university endowment funds through FY 2013-14; (2) increases the overall state commitment for gifts to UConn's endowment fund by \$85 million, from \$82.5 million to \$167.5 million; and (3) increases some annual matching grant limits for UConn, CSU, and community-technical college endowment fund contributions.

(**sHB 6630**, most provisions effective July 1, 2001)

Career Ladders For Critical Employment Areas

This act requires the Office of Workforce Competitiveness (OWC), with the Department of Labor's (DOL) help, to report annually to the governor and various legislative committees. The report must include DOL's forecast of the state's workforce shortages, by occupation, for the next two- and five-year periods. It must recommend (1) ways to generate enough workers to meet identified workforce needs, including scholarship, school-to-career, and internship programs and (2) ways for secondary and higher education and industry to address these needs. The first report is due by October 1, 2002.

The act requires the education and higher education commissioners, in consultation with OWC and the constituent units of higher education, to establish, by September 1, 2003, career ladder programs for high school students who want to pursue careers in occupations that OWC's first annual report projects will have labor shortages in the next five years.

It requires DOL to report on its efforts to (1) simplify how businesses can ask for an exemption from apprenticeship hiring ratios, (2) create a more flexible application form, (3) reduce the time it takes to approve or disapprove requests, and (4) establish a system to track apprentices in registered apprentice programs. And it requires the State Apprenticeship Council to review existing apprenticeship hiring ratios and report any proposed changes. Both reports must go to the Workforce Development Committee by January 1, 2002.

(sHB 1370, effective October 1, 2001)

ENVIRONMENT

Clean Air Standards for Power Plants

Recently adopted Department of Environmental Protection (DEP) regulations tighten air emission standards on the state's older fossil fuel power plants and allow the plants to meet these standards by trading emissions credits. This act eliminates credit trading to meet the regulation's stage two sulfur dioxide (SO₂) standards as of December 31, 2004, approximately two years after they go into effect. But it adds another compliance option (a tonnage cap) as of this date. It requires plant owners to submit a compliance plan to DEP by July 1, 2002.

The act allows, and in certain cases requires, DEP to suspend the stage two standards if an electricity supply shortfall occurs. The act appears to supersede a provision in the regulations that allows the DEP commissioner to waive the standards for a plant that normally meets them by burning low sulfur fuel if he finds there is an emergency shortage in the supply of such fuel.

The act contains several provisions, including a tax exemption on low sulfur

oil, to reduce the costs of complying with its requirements. But it bars owners of units that have violated the regulations' SO₂ and nitrogen oxide standards more than once from bidding for default electric service. By law, electric utilities must bid out the supply of electricity for this service, which provides power after January 1, 2004 to people who do not choose a competitive supplier. The act also includes several measures to promote renewable energy resources. It requires, rather than allows, Connecticut Innovations, Inc. to use the Renewable Energy Investment Fund for expenditures that promote investment in renewable energy.

The act requires the Department of Public Utility Control to report to the legislature by January 1 annually on the status of electric power supply, demand, and reserves. The report must include projections of these variables for the next five years. It also must analyze the act's effect on the provision of electricity to customers who do not choose a competitive supplier.

(sHB 6365, effective on passage)

Reducing Nitrogen in Long Island Sound

This act requires DEP to issue a general permit limiting the total amount of nitrogen discharged by municipal sewage treatment plants. It requires DEP to set individual discharge limits for each plant, based on the total maximum daily load (TMDL) and each plant's location. The TDML, established by DEP and approved by the U.S. Environmental Protection Agency, is the maximum amount of nitrogen that can be discharged into Long Island Sound without significantly impairing its water quality.

Plants can meet their discharge limit by purchasing credits through DEP from plants that have reduced their discharges

below their permit levels under a program the act creates. DEP must adjust these credits to account for the relatively greater harm to Long Island Sound caused by nitrogen discharged from plants that are closer to the shoreline. The resulting credits are called equivalent nitrogen credits. In addition, the act creates state-owned credits.

The act authorizes DEP to (1) establish, oversee, and manage a nitrogen credit exchange program and (2) create a Nitrogen Credit Advisory Board. DEP must consult with the board about the program.

The board must annually propose to DEP the value of equivalent nitrogen credits using a formula the act establishes. The act allows towns to challenge the value the board proposes and creates an arbitration process to determine the value after review. DEP or the arbitration panel, as applicable, sets the value of the credits.

The act requires DEP, on an annual schedule, to purchase all available credits and to make them available to plants that have not met their discharge levels. DEP may also sell the credits to other entities.

The act authorizes DEP to administer the program with money from the purchase and sale of credits and to use money from the Clean Water Fund to operate the program if necessary.

(**sSB 1012**, effective July 1, 2001)

HEALTH & HUMAN SERVICES

New Health Insurance Coverage Requirements

This act requires certain group and individual health insurers:

1. to cover routine patient care costs associated with cancer clinical trials for treatment or palliation and with Phase III trials for prevention that involve therapeutic

intervention;

2. to provide up to \$1,000 in coverage every two years for hearing aids for children under age 13;
3. to cover pap smear tests conducted as part of primary and preventive obstetric and gynecologic services that participating in-network obstetrician-gynecologists must by law provide female enrollees who choose to have direct-access to such providers; and
4. to cover colorectal cancer screening, including (a) an annual fecal occult blood test and (b) a colonoscopy, flexible sigmoidoscopy, or radiologic imaging.

The act also reduces, from 50 to 40, the age at which coverage of annual mammograms is required. And it prohibits the use of drug formularies, lists of covered drugs, or other restrictions on obtaining prescription drugs for mental health treatment.

(**sSB 325**, effective October 1, 2001, with the cancer clinical trials provisions taking effect January 1, 2002)

Covering Medically Necessary Formula For Very Young Children

This act requires certain health insurance policies to cover medically necessary specialized nutritional formula administered under the direction of a doctor to treat disease and other conditions in children up to age three. The act defines "specialized formula" as a nutritional formula for children that is (1) used solely under medical supervision in the dietary management of specific diseases and (2) exempt from the federal Food and Drug Administration's general nutritional labeling requirements.

(**PA 01-101**, effective October 1, 2001)

Child Support Enforcement

This act requires private child support collection agencies to be licensed and regulated by the Banking Department as consumer collection agencies if they are located here, serve in-state clients, or try to collect from in-state debtors. It caps the fees they can charge clients at 25% of overdue support collected and bans them from charging a fee for any support payments collected through a government agency's efforts. A private agency must enter into a written agreement with the client specifying the fees and stating, in bold type, that Connecticut and other states offer child support collection services for a nominal fee (\$25 in Connecticut). The act also gives people who owe child support the same protection as other consumer debtors have against being called at unreasonable hours and other harassing activities.

Three state agencies collect court-ordered child support: the Department of Social Services' (DSS) Bureau of Child Support Enforcement (BCSE), the Judicial Department's Support Enforcement Services (SES), and the Office of the Attorney General. The act allows SES officers to ask for and receive information from all state agencies, including law enforcement agencies, about the identity and whereabouts of parents who owe child support. They can divulge this information only to federal, state, and local agencies trying to locate these parents, just as BCSE and other state agencies can already do.

The act also requires the DSS commissioner to establish an arrearage adjustment program to adjust past due support owed to the state because children have received public assistance. It specifies factors the commissioner must consider in making the adjustment decision and requires her to adopt regulations. The adjustments must

encourage noncustodial parents to become positively involved in their children's lives and begin making regular support payments.

Finally, the act gives child support payments owed to families priority over support payments owed to the state.

(**sHB 6701**, effective July 1, 2001)

Moratorium On Conveying DMR and DMHAS Property

This act imposes a moratorium on the conveyance of state-owned property that is or has recently been used to house people with mental retardation or psychiatric disabilities. The moratorium lasts for three years or until the General Assembly approves department of Mental Retardation (DMR) and Mental Health and Addiction Services (DHMAS) plans to address waiting list and service needs, whichever is earlier. It creates a separate, nonlapsing General Fund account to receive any proceeds from the sale, lease, or transfer of Fairfield Hills and Norwich hospitals and any regional centers. The fund can be used only for site acquisition, capital development, and infrastructure costs to provide services to people with mental retardation and psychiatric disabilities.

The act requires the DMR commissioner to adopt regulations to establish and implement a policy for placing and caring for clients DMR determines pose a serious threat to others. It also requires him and the public works commissioner to evaluate the feasibility and appropriateness of using certain state-owned property for a facility for clients who cannot appropriately be placed in the community. The DMR commissioner must report his findings and recommendations, including the criteria and standards used to evaluate the properties, to the Public Health Committee by February 1, 2002.

(sHB 6610, effective on passage)

Health Insurance for Nonprofit and Municipal Employees

This act authorizes the comptroller, with the Office of Policy and Management (OPM) secretary's approval, to procure a group hospital, medical, and surgical health insurance plan for employees of certain nonprofit organizations. It also authorizes her, with the secretary's approval, to obtain an alternative health benefit plan for them and municipal employees.

To participate the nonprofit organization must comply with the following conditions.

1. If a union represents employees, both it and the nonprofit must agree to participate in the plan and neither may submit the question of participating to binding arbitration without the other's consent.
2. No group of employees may be denied participation in the plan because of past or future health care costs or claims experience.
3. Rates the state pays for its employees may not be adversely affected, and administrative costs to the plan must be paid by participating nonprofits at no cost to the state.
4. The nonprofit must participate for the plan's duration or such other period to which it and the comptroller mutually agree.

(PA 01-30, effective July 1, 2001)

LOCAL GOVERNMENT

Waterbury Takeover

This act allows the city of Waterbury to issue up to \$75 million in state-guaranteed, 20-year bonds and up to \$50 million in short-term notes to finance its

existing and projected budget deficits through June 30, 2001. As a condition of issuing the bonds and notes, the city's board of aldermen must acknowledge a seven-member, state-appointed financial oversight board the act establishes.

The act gives the new oversight board broad powers over the city's finances and operations, including the power to:

1. issue deficit financing if the aldermen fail to act;
2. approve annual city budgets and annual three-year financial plans;
3. raise taxes and user fees in mid-year to pay off all or part of a projected annual budget deficit if the aldermen fail to do so;
4. impose its own terms in new and renewed collective bargaining agreements and binding arbitration awards between the city or board of education and union employees, regardless of issues raised and negotiated by the parties;
5. ask unions to reopen existing contracts and require members to vote on proposed revisions when the board and union fail to agree on revisions;
6. approve new noncollective bargaining city contracts costing more than \$50,000 a year and set aside certain existing contracts;
7. approve the terms and conditions of all city debt, including deficit funding bonds and notes the act authorizes;
8. approve the city's education budget by line-item; and
9. override any decisions, including personnel and administrative hiring decisions, taken by the mayor, the board of aldermen, or any city employee if they affect the city's economic viability.

The city remains subject to the board's authority until, among other things, its budget is balanced for five consecutive

years. Thereafter, the OPM secretary must reestablish the board with all its powers if the city fails to meet specific fiscal targets.

The act allows the city, with the board's approval, to establish a state-backed special capital reserve fund (SCRF) to secure the deficit funding bonds and notes. It appropriates state money as needed to maintain a minimum annual capital reserve in the SCRF. The city must repay any state appropriations to the SCRF from any subsequent state aid it receives.

The act also (1) requires the city to cut the total annual cost of its noncivil service managers, administrators, and contractual employees by at least 10% by October 1, 2001; (2) accelerates part of Waterbury's final FY 2000-01 Education Cost Sharing grant and allows the OPM secretary to accelerate its FY 2000-01 installments from the Mashantucket Pequot and Mohegan Fund; and (3) requires the Finance, Revenue and Bonding Committee to investigate the causes of Waterbury's financial emergency and report to the General Assembly by February 1, 2002.

Finally, the act requires the state to fine the city if it fails to implement property tax revaluation for its October 2000 grand list or any later list. The OPM secretary sets the fine amount.

(**SA 01-1**, effective March 9, 2001).

Municipal Employees' Retirement

This act makes several changes in the Municipal Employees' Retirement Fund B (MERF) and allows towns to participate, by contract, in the state's deferred compensation program under terms and conditions the comptroller sets.

Specifically, it:

1. reduces the MERF vesting period from 10 to five continuous years;
2. increases the monthly MERF

benefit beginning January 1, 2002, for employees eligible to receive Social Security;

3. allows employees who take voluntary retirement to begin receiving a cost of living adjustment (COLA) on the first July 1 after they retire instead of after turning age 65;
4. changes the COLA percentage and formula for those retiring on or after January 1, 2002 and those under age 65 who retire before that date; and
5. allows towns to pay employee contributions on a pre-tax basis, beginning January 1, 2002.

It raises by 20% the monthly benefits from the Policemen and Firemen Survivors' Benefit Fund, which pays benefits to the surviving spouses and eligible dependents of municipal policemen and firemen.

Finally, it allows judges who elect to withdraw from the State Employees Retirement Fund to receive interest on their refunded contributions, beginning with refunds processed on and after January 1, 2001.

(**sHB 6859**, effective October 1, 2001)

Addressing Towns' Fiscal Disparities

This act establishes a process to identify and help towns with (1) high mill rates, (2) low per-capita grand lists, (3) low median household incomes, and (4) declining population. Annually, beginning September 15, 2001, the OPM secretary must prepare a list of towns that meet all four criteria. Once a town is identified, the act imposes steps the state and the towns in its region must take to address its fiscal capacity.

When a town is identified, the governor has 30 days to convene a meeting of the chief elected officials of all the region's

towns, and these leaders must develop recommendations, including intertown collaboration and action, to address the town's fiscal problems. By December 31, they must submit recommendations to the governor and Planning and Development Committee, and, by December 31 of the second year, OPM, in consultation with town officials, must prepare a specific implementation strategy that addresses the identified town's fiscal capacity. The strategy must be updated every year until the town no longer meets the act's criteria. The secretary must provide the necessary staff and resources, within available funds, to help the towns (1) develop recommendations, (2) prepare an implementation strategy, and (3) implement the strategy.

(sHB 6994, effective July 1, 2001)

Zoning Group Homes for Children With Mental or Physical Disabilities

This act requires local zoning regulations to treat group homes licensed by the Department of Children and Families (DCF) and housing six or fewer mentally or physically disabled children and necessary staff the same as single-family homes. The facilities cannot be located within 1,000 feet of each other unless the local zoning commission approves. These requirements already apply to community residences of similar capacity licensed by DMR. The act permits a resident of a town hosting a DCF-licensed residential facility to petition the DCF commissioner to revoke the facility's license.

(sSB 1216, effective July 1, 2001)

Mediating Appeals Of Planning And Zoning Commission Decisions

This act allows parties to resolve disputes involving land use decisions or locally cited violations of state dumping

laws through mediation instead of litigation. One of the parties must first file an appeal to Superior Court before mediation can be tried. The parties must comply with the act's requirements for starting, conducting, and concluding mediation, which must be conducted by an impartial third party using generally accepted mediation principles. All must agree to the mediation, but they can withdraw from it at any time. The mediator can ask anyone needed to resolve the dispute to participate in the process. The court cannot require the mediator to testify if the mediation fails and the appeal resumes. Nor can it admit the contents of the mediation sessions as evidence. The mediator must report the mediation's results to the court.

(PA 01-47, effective October 1, 2001)

STATE GOVERNMENT

State Employee Collective Bargaining

This act changes numerous state employee collective bargaining procedures. Specifically it:

1. increases the time during which parties may begin negotiating a new contract from 180 to 330 days before the existing contract expires,
2. reduces the time during which a party may initiate arbitration from 90 to 60 days after negotiations begin,
3. eliminates an arbitrator's authority to waive deadlines imposed on him,
4. limits an arbitrator's authority to continue a hearing more than 30 days after it has begun to cases where good cause is shown,
5. creates new requirements for motions to vacate or modify an arbitrator's award filed in Superior Court,
6. modifies the reasons a judge may

7. allows arbitration on issues subject to collective bargaining even if there is a dispute about whether another issue is subject to collective bargaining before the State Board of Labor Relations.
(**sSB 1394**, effective October 1, 2001)

State Prevention Council

The act defines “prevention” as policies and programs that (1) promote healthy, safe, and productive lives and (2) reduce the likelihood of crime, violence, substance abuse, illness, academic failure, and other socially destructive behaviors.
(**sHB 7013**, effective July 1, 2001)

SS:tjo
6-11/01

This act creates a State Prevention Council consisting of state agency heads to (1) create a prevention framework for the state, (2) recommend a comprehensive statewide prevention plan, (3) better coordinate existing and future state agency prevention expenditures, and (4) increase fiscal accountability. The council must:

1. submit a report to the Office of Policy and Management (OPM) secretary and the Appropriations Committee by July 1, 2002 identifying appropriations for prevention services in each involved agency’s budget for the previous fiscal year;
2. recommend a comprehensive statewide prevention plan to the OPM secretary and the General Assembly by December 1, 2002; and
3. submit its recommendations on expanding the council, including the use of potential benchmarks, or terminating it to the OPM secretary and Appropriations Committee by July 1, 2004.

The act also requires the governor to include a prevention report in his budget document for the biennial budget covering July 1, 2003 to June 30, 2005.