

Office of Legislative Research
Connecticut General Assembly



OLR MAJOR ACTS

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NOTICE TO READERS



These summaries are intended to describe briefly the most significant, far-reaching, and publicly debated acts adopted by the General

Assembly in its 2003 regular session. Not all provisions of these acts are included. This report does not include HB 6720, the budget act Governor Rowland vetoed on May 16, or HB 6721, the budget act he has announced he plans to veto. We will produce a revised edition of this report after a final budget and implementing bills are enacted.

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,

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the environment, and business. Our 2003 Public Act Summary book, which contains detailed summaries of all public acts, will be available this fall.

BUDGET AND FINANCE

2003 Budget and Tax Changes

For FY 2002-03, this act reduces General Fund allotments by approximately \$130 million, Special Transportation Fund allotments by \$9 million, and allotments to the Mashantucket Pequot and Mohegan Fund by \$21.5 million. The act also reduces grants to towns by \$40 million. Finally, the act increases taxes and other state revenues by \$439 million in FY 2002-03, \$634.3 in FY 2003-04, and \$594 million in FY 2004-05.

The act makes many major changes to implement its budget reductions. It:

1. implements an early retirement incentive program for state employees;
2. eliminates the continuous eligibility policy for the HUSKY, a program under which a child determined eligible for benefits remains eligible for 12 months, regardless of changes in his status that would make him ineligible;
3. requires Medicaid and State Aided General Assistance (SAGA) recipients to pay \$1 for all outpatient medical services and each prescription;
4. suspends Medicaid coverage for parents of children enrolled in the HUSKY program with incomes between 100% and 150% of the federal poverty level until July 1, 2005;
5. reduces the dispensing fee paid to pharmacies for each prescription dispensed under the Medicaid, SAGA, ConnPACE, and AIDS drug assistance programs from \$3.85 to \$3.60 per prescription;
6. reduces the number of six-month extensions that Temporary Family Assistance recipients can receive at the end of their initial 21-month eligibility period from three to two, effective July 1, 2003;
7. increases the ConnPace prescription copayment from \$12 to \$16.25 and the program application fee from \$25 to \$30;
8. requires the Department of Social Services to adopt a preferred drug list by July 1, 2003;
9. eliminates a scheduled increase in the personal needs allowance for recipients of the State Supplement program; and
10. increases the Budget Reserve Fund's maximum balance from 7.5% to 10% of net General Fund appropriations for the applicable fiscal year.

The act also increases many state taxes. It:

1. increases the income tax rate from 4.5% to 5% on adjusted gross incomes over \$44,000 for joint filers; \$22,500 for single filers; \$22,000 for

- married people filing separately; and \$35,000 for heads of household;
2. reduces the price of clothing and footwear exempt from the sales tax from items costing more than \$75 to those costing more than \$50;
 3. extends the sales tax to for-profit health and athletic clubs, newspapers, and magazine subscriptions;
 4. imposes a 3% sales tax on advertising services for developing media and cooperative direct mail advertising;
 5. increases the cigarette tax by 40 cents per pack from \$1.11 to \$1.51;
 6. imposes a 20% tax surcharge for the 2003 income year on corporations, limited liability companies and partnerships, and S corporations; and
 7. from March 15, 2003 to June 30, 2004, increases the municipal portion of the real estate conveyance tax from 0.11% to .25% of the sale price and gives 18 specific towns the option of increasing their municipal real estate conveyance tax by an additional quarter point to 0.5%.

(PA 03-2, various effective dates.)

BUSINESS AND LABOR

Electric Industry Restructuring

This act revises the electric restructuring law, particularly those provisions requiring electric utilities to provide service to customers who do not choose a competitive supplier. It extends, for three years, the requirement that they provide standard offer service (renamed “transitional standard offer service”) to such customers and increases the maximum rate that they can charge for it. It reallocates the “adder,” (the difference between the utilities’ cost of standard offer service and its price) to offset future rate increases.

The act modifies the requirement that utilities provide default service to such customers after the standard offer service requirement ends. It establishes separate pricing rules for such service provided to (1) small and medium-sized customers (named “standard service”) and (2) large customers (“last resort service”). It requires utilities to procure power for standard service in a way that mitigates rapid changes in electricity prices.

The act entitles utilities to a fee for procuring power for transitional standard offer service. It also entitles them to their actual administrative costs in providing the services the act mandates, as well as the back-up service they are required to provide to customers whose supplier fails them.

Under the act, the Department of Public Utility Control (DPUC) can require a

utility to offer, through a competitive supplier, one or more alternatives to transitional standard offer service and standard service, including an alternative that includes more renewable energy than is required by law and one that promotes energy conservation.

The law requires electric suppliers to obtain part of their power from renewable resources. This provision is known as the “renewable portfolio standard” (RPS). The act (1) reduces the total amount of renewable power suppliers must obtain, (2) modifies what counts as renewable resources and where it can be produced, and (3) extends the modified RPS to apply to utilities in the service they provide to customers who do not choose suppliers. The act extends to utilities other environmental provisions that currently apply to suppliers.

The act requires utilities to provide DPUC with information regarding the economic and environmental characteristics of their power. It provides for several other consumer information and education programs, including one to provide consumers information regarding suppliers, and a restart of DPUC's education program.

The act allows (1) DPUC to issue a request for proposals if it determines that the construction of new temporary generation facilities would reduce federally mandated transmission costs and (2) the costs of these

facilities to be recovered in the systems benefits charge.

Finally, the act limits cable TV companies to a five-year franchise if they fail to meet certain requirements.

(sSB 733, effective July 1, 2003, except for (1) the provisions on requests for proposals, the DPUC study, interconnection rates and standards, the reallocation of the adder, and a separate line on acts for federally mandated congestion costs, which are effective upon passage; (2) the cable TV provisions, which are effective October 1, 2003; and (3) the provisions on the RPS and the systems benefits charge, which are effective January 1, 2004)

SPAM Restrictions

This act, with some exceptions, restricts the activities of people who e-mail unsolicited advertising material (“spam”). It prohibits people and entities from sending spam, or causing it to be sent, after the intended recipient has notified them that he does not want to receive it. In all other transmissions to Connecticut residents, (1) the e-mail’s subject line must include the letters “ADV” and (2) the body of the message must include a toll-free telephone number or valid e-mail address the recipient can use to unsubscribe or otherwise notify the sender not to send any more spam. The act

defines unsolicited advertising material, provides exclusions to the restrictions, and allows people to sue for violations.

The act also includes provisions on consumer leases of computers.

(**sSB 332**, October 1, 2003, except the provisions on consumer leases of computers are effective on July 1, 2003)

Liquor Sellers' Liability

The Dram Shop Act makes someone who sells liquor to an intoxicated person liable if the intoxicated person injures a person or property because of the intoxication. It does not require proof that the seller acted negligently. This act increases the maximum amount an injured person can recover under the act from \$20,000 to \$250,000 for injuries to a single person and from \$50,000 to \$250,000 in aggregate for injuries to more than one person.

The act eliminates an injured person's right to sue a seller for negligence in selling alcohol to someone at least age 21. The Connecticut Supreme Court recently established a common law (judge made) right for a person to file a negligence lawsuit against a seller.

(**PA 03-91**, effective on passage)

Retainage in Private Sector Construction Contracts

This act requires property owners to establish escrow accounts for most money they withhold under a construction contract from contractors and subcontractors as retainage. By law, construction contracts may provide for the retainage of up to 7.5% of the estimated amount of progress payments. The act does not apply to construction contracts involving (1) residential property consisting of four or fewer dwelling units; (2) projects valued at less than \$25,000; (3) state, municipal, or other political subdivision public building or public works projects.

The act requires affected owners to:

1. establish the account in a Connecticut bank or savings and loan association;
2. give contractors monthly reports of the value of the retainage in the account and any additions to the account or payments from it, which can only be made with the owner's approval (contractors must make the report available for review by subcontractors who ask);
3. terminate the account when work is substantially or fully completed and after they have paid the contractor in full;
4. pay all fees and expenses related to maintaining the account; and
5. include the form and provisions of the account in all solicitations for construction services and provide the contractor and

subcontractor with a copy before entering into a contract.

The act also revises the New Home Contractor Act.

(**SB 496**, effective October 1, 2003, except the retainage provisions are effective January 1, 2004)

CHILDREN AND FAMILIES

Driving Licenses for 16- and 17-Year Olds

This act modifies the requirements for 16- and 17-year olds driving under learners' permits and establishes driving restrictions for specific time periods after they receive their licenses. These requirements and restrictions apply to 16- and 17-year olds who apply for a learner's permit on October 2, 2003 or thereafter. Thus, anyone who applies for a learner's permit on or before October 1, 2003 will be under the current learner's permit requirements and will have unrestricted driving privileges upon licensure.

With respect to learners' permits, the act, among other things, expands the mandatory safe driving practices course all 16- and 17-year olds must complete from five to eight hours and its alcohol and drug impact component from two to four hours.

Once a 16- or 17-year old receives a driver's license, the act

establishes the following restrictions on driving privileges:

1. for the first three months, he may transport only one passenger, who must be his parent or guardian (at least age 25 and a licensed driver), a DMV-licensed driving instructor, or someone who is at least age 20 and has held a driver's license for at least the preceding four years that has not been suspended during that period; and
2. for the fourth through sixth month, he may also transport other immediate family members.

The act makes any violation of the driving restrictions an infraction and authorizes the motor vehicles commissioner to suspend a license for a second or subsequent violation until age 18, after notice and opportunity for a hearing.

The act also eliminates the separate license for operating a motorcycle and replaces it with a motorcycle endorsement on a regular driver's license.

(**sSB 921**, effective October 1, 2003)

Using Sick Time For Family And Medical Leave

This act allows private-sector employees to use up to two weeks of sick time while on leave under the state's Family Medical Leave Act (FMLA). It prohibits employers from denying such use or firing, threatening to fire, demoting, suspending, or in any

way discriminating against an employee who uses or tries to use sick leave for FMLA purposes. The new leave provision allows an employee (1) to attend to the serious health condition of a child, spouse, or parent or (2) for the birth or adoption of a child.

Under prior law, employers could, but were not required to, allow employees to use accumulated sick time to attend to the serious health condition of a child, spouse, or parent. The act and existing law apply to private employers with more than 75 employees. The act applies only to employers with written policies to pay employees who miss work due to illness. Its definition of sick leave excludes compensation for missing work that is provided through an employer's plan, such as, short- or long-term disability insurance.

The act allows an employee aggrieved by a suspected violation of the act to file a complaint with the labor commissioner, who must hold a hearing on the matter and provide each party with written notification of his decision.

(sHB 6151, effective October 1, 2003)

CRIMINAL JUSTICE

Collecting DNA Samples From Criminals

This act requires DNA testing of everyone convicted of a felony or found not guilty because of a

mental disease or defect and inclusion of these genetic profiles in the Department of Public Safety's forensic data bank. It (1) establishes the DNA Oversight Panel to assure the data bank's integrity, (2) allows incarcerated offenders to get a court order for DNA testing to prove their innocence and specifies how long police must preserve biological evidence, and (3) creates an advisory commission to review wrongful convictions and recommend reforms to lessen the likelihood of recurrences.

(sHB 5022, effective October 1, 2003)

White-Collar Crime

This act increases the fines for certain banking and accounting law violations and the offense level for specified white-collar crimes. The act conditions financial institutions' ability to make certain transactions in part on whether they have adequate anti-money laundering programs, policies, and procedures and a record of compliance with anti-money laundering laws and regulations.

The act allows the banking commissioner to revoke, deny, suspend, restrict, or condition a broker-dealer or investment adviser applicant's registration or activities if he has engaged in fraudulent securities or commodities practices. It also permits the commissioner to order a person who violated the Uniform Securities Act or who

engaged in a dishonest or unethical practice in the securities or commodities business both to make restitution and to disgorge any other profit he made by the violation or bad practice.

The act creates whistleblower protections for employees who assist in investigations or proceedings regarding certain state and federal white-collar crime laws. It prohibits accountants from altering, destroying, or concealing documents for seven years from the end of the fiscal year in which they concluded an audit. The act deems a violation of its provisions regarding state investigations, accountants, and certification of financial statements to be an unfair or deceptive trade practice.

(**sSB 1035**, effective October 1, 2003)

Identity Theft

This act imposes graduated penalties for identity theft violations, establishes procedures to assist victims of the crimes, and requires businesses to revise certain practices to prevent the crimes. Specifically, the act:

1. broadens the acts that constitute identity theft, establishes three different classifications of the crime, and creates the crime of trafficking in personal identification information;

2. establishes a procedure for reporting and processing identity theft crimes;
3. authorizes courts to issue any orders necessary to correct false information in public records caused by identity theft crimes;
4. establishes a procedure for credit rating agencies to block credit reports resulting from identity theft and penalizes violators;
5. prohibits businesses and people from printing more than the last five digits of a credit or debit account number on a consumer's receipt;
6. establishes a two-year statute of limitations for civil damage actions against identity theft violators; and
7. with certain exceptions, prohibits individuals, firms, and corporations from publicly disclosing Social Security numbers.

(**sSB 688**, effective October 1, 2003)

Drunken Driving

This act allows a court to order anyone arrested for certain alcohol-related motor vehicle violations to operate a motor vehicle only if it is equipped with an ignition interlock device. (An interlock device keeps the vehicle from being operated until the driver's blood alcohol content is less than .025%.) As an alternative, the court may require any vehicle he owns, leases, or

operates to be physically or mechanically immobilized. The court can issue the order for an indefinite period as a condition of granting bail or an application to participate in a pretrial alcohol education program.

It also appears to require a court to substitute an ignition interlock order for two years of the three-year mandatory license suspension that someone convicted of alcohol-related DWI for a second time within 10 years must get. It requires the offender to bear the cost of installing and maintaining the device and requires regulations approving the two devices. The act makes it a crime to attempt to circumvent the ignition interlock or vehicle immobilization requirements, and it subjects violators to a one-year license suspension in addition to the criminal penalties.

The act also requires:

1. rather than allows, a blood or breath test to be conducted on any driver who survives an accident that results in a death or serious physical injury when a police officer has probable cause to believe the person was driving under the influence of alcohol or drugs (DWI);
2. requires that tests of fatally injured drivers or pedestrians, or surviving operators to the extent the act permits testing, be capable of showing the presence of any drug, as well as alcohol; and
3. requires the Department of

Motor Vehicles-approved mandatory treatment program that someone convicted for DWI for a second or subsequent conviction must complete before his suspended driver's license can be reinstated to include an assessment of his degree of alcohol abuse and treatment. (**sHB 6698**, effective October 1, 2003)

Drunken Boating

This act makes the laws governing boating while under the influence of alcohol or drugs parallel in some ways to those governing driving while under the influence, thereby substantially increasing the penalties that apply under the boating laws. Under the act, a boater is considered to have implicitly consented to tests to determine his blood alcohol content (BAC).

It requires an officer who arrests a person for boating while under the influence or related crimes to revoke temporarily that person's boating certificate if he (1) refuses to submit to the test or (2) has an "elevated" BAC. Under the act, an elevated BAC is (1) .02% if the person is under 21 and (2) .08% for anyone else. Under prior law, the BAC for any boater was .10%.

The act establishes an administrative procedure for suspending the person's safe boating certificate or certificate of personal watercraft operation ("certificate"), which are required

for legal boating and permits suspension or revocation of the certificates and the right to operate, depending on the offense. The procedure, which parallels the administrative *per se* law for drunk driving, applies if the boater fails to submit to a test or has test results that indicate he was under the influence. This procedure is independent of criminal prosecutions for boating while under the influence. The act establishes a separate administrative suspension procedure if the boater was injured in an accident and arrested for operating under the influence and reckless boating.

The act increases the criminal penalties for boating under the influence and applies them to boating with an elevated BAC. Under prior law, the penalty was a fine of \$100 to \$500, regardless of the number of previous offenses. Under the act, the penalty depends on the number of prior offenses, ranging from probation with community service to prison. And the person's operating certificate must be suspended or revoked.

The act requires all offenders to participate in an alcohol education and treatment program, including allowing first-time offenders who qualify to participate in a pretrial alcohol education and prevention program.

(**sSB 863**, effective October 1, 2003)

Address Confidentiality Program

This act establishes an address confidentiality program in the Secretary of the State's Office. The program provides a substitute mailing address (mailbox and fictitious street numbers) to certain crime victims who, for safety reasons, wish to keep their home address secret. It is available to family violence, stalking, and sexual assault victims and victims of injury or risk of injury to a minor. Participants' residential, work, and school addresses are exempt from disclosure under the Freedom of Information Act.

The act requires public agencies to accept participants' program address in lieu of their actual home address, unless the agency receives an exemption from the secretary of the state. The act specifies that program participation does not affect custody or visitation orders.

The act requires the secretary to adopt implementing regulations, which may include provisions on (1) application and certification; (2) certification cancellation; (3) how program addresses may be used; and (4) how participants will get their mail, vote, and have vital statistics recorded.

(**sSB 853**, effective January 1, 2004)

EDUCATION

Student Testing

This act requires statewide achievement tests for public school students in grades 3, 5 and 7, starting in 2005-06. Adding these to the existing 4th, 6th and 8th grade tests, results in annual testing for students in grades 3-8 as required by the federal No Child Left Behind (NCLB) Act. The act also establishes statewide science exams for students in the 5th, 8th, and 10th grades, starting in the 2007-08 school year, as required by the federal act.

In addition, the act:

1. changes the time for administering elementary and middle-level statewide mastery tests from the fall to April annually, starting in the 2005-06 school year;
2. starting July 1, 2003, requires any additional costs the state and school districts incur for conforming state mastery tests with federal requirements to be paid exclusively from federal funds they receive under NCLB; and
3. adds a preference for students attending a school found to be “in need of improvement” under NCLB in any lottery needed when applicants for the state’s interdistrict public school choice program exceed the number of spaces available.

(SB 1155, most provisions effective July 1, 2003)

Indoor Air Quality in Schools

This act improves and protects the indoor air quality in Connecticut schools by:

1. requiring school districts to conduct Phase I environmental site assessments of proposed school construction sites;
2. requiring operation and maintenance of heating, ventilating, and air conditioning systems in accordance with prevailing standards;
3. allowing the education commissioner to approve school construction projects for certified school indoor air quality emergencies without putting them on the list for General Assembly approval;
4. requiring school districts to implement an inspection and evaluation program, such as the U.S. Environmental Protection Agency’s Tools for Schools, for new building construction, extensions, renovations, and replacements; and
5. allowing boards of education to establish indoor air quality committees to increase staff and student awareness of indoor environmental quality. **(HB 6426**, effective July 1, 2003)

BESB Educational Services

This act establishes a priority system for the Board of

Education and Services to the Blind (BESB) to use when it provides and pays for educational services to children who are blind or visually impaired. The priorities, which apply to use of the board's educational aid account, are (1) to pay for goods and services, such as specialized books, (2) to pay for teaching services that school districts request directly from BESB, and (3) to reimburse towns that purchase these services on their own. The act creates a formula to determine the number of BESB teachers the districts receive. It authorizes BESB to charge districts for any goods or services if funds appropriated to the account are insufficient.

The act requires any funds that are left in the account after payments for goods, services, and teachers to go to the school districts. And it requires BESB to make its existing resources, such as its library, available to districts and permits it to provide them with professional development and training.

The act also eliminates BESB's authority to spend up to \$11,000 per fiscal year to send children who are both blind or visually impaired and deaf, or blind or visually impaired with other severe physical handicaps to in- or out-of-state facilities. It eliminates a \$100 allowance for clothing and \$300 for transportation of children to and from specialized residential facilities serving the blind, which

is in addition to the \$6,400 per child statutory cap for educational services. It eliminates BESB's authority to provide educational services to children whose vision is better than the statutory definitions of blindness.

(**HB 6420**, effective July 1, 2003)

ELECTIONS

Direct Primaries

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

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

It deletes certain conditions that petition circulators must meet in order to collect signatures for anyone running as a petitioning party candidate in

the general election. It adds a warning to petition forms on what constitutes an illegal signing. The act authorizes the State Elections Enforcement Commission to impose a civil penalty of up to \$2,000 per offense for violations of the new petitioning provisions.

(sHB 6372, effective January 1, 2004 and applies to primaries and elections held on or after that date, except the provisions on petition circulators for petitioning party candidates, which are effective upon passage)

Election Day Voter Registration

This act allows people to register to vote in registrars of voters' offices on the day of an election, primary, or presidential preference primary during voting hours and establishes procedures applicants and registrars must follow.

It requires registrars to conduct a voter registration session in their offices on an election or primary day. An applicant must show the registrars identification with his name, address, and photograph. If the ID has no photograph, the registrars must have one taken. The applicant must also sign a statement swearing or affirming that he meets the eligibility requirements to register and has not registered or voted elsewhere.

The statement includes a notice of the penalty for signing a false statement (a perjury conviction and five years in prison, a fine up to \$5,000, or both). If the registrars admit an applicant who registers on election day, they must (1) give the person a notice of acceptance, (2) attach a copy of the ID including the photo, and (3) seal and sign the notice. The person can go to his polling place, present the notice and copies, and vote.

(sHB 6370, effective on passage, except a provision on voter registration records, which is effective October 1, 2003)

ENVIRONMENT

Moratorium On Long Island Sound Projects

This act extends for one year, until June 3, 2004, a moratorium on state agency consideration or final decisions on any electric power line, gas pipeline, or telecommunications crossing of Long Island Sound that requires either a certificate of environmental compatibility and public need from the Connecticut Siting Council or approval by the Federal Energy Regulatory Commission. By law, the moratorium does not apply to maintenance, repair, or replacement work necessary for repairing any such crossings currently serving customers located on islands or peninsulas off the Connecticut coast. Nor does it affect a project in the

Sound extending from Norwalk to Northport, New York to replace existing electric cables. The legislature initially approved a one-year moratorium in 2002.

(**sSB 1158**, effective on passage)

Electric Plant Mercury Emissions

This act requires certain coal-burning electric plants to reduce the amount of mercury they emit, starting July 1, 2008. It sets standards the plants must meet, requires them to test their generating units quarterly, and requires owners to submit quarterly reports to the environmental protection commissioner. The standards apply to the Bridgeport and AES Thames (Uncasville) generating plants. The act authorizes the commissioner to set alternative emission limits if the plants cannot meet its requirements with properly installed and operating control technology. The commissioner's implementation of these provisions does not suspend any underlying procedure or requirement in state regulations.

The act also requires the commissioner to review mercury emission limits applicable to all units in the state by July 1, 2012 and authorizes him to adopt regulations imposing more stringent mercury emission limits on or after that date.

(**HB 6048**, effective on passage)

PUBLIC HEALTH & SAFETY

Statewide Smoking Ban

This act bans smoking in most workplaces where five or more people work, except in specially ventilated smoking rooms; inside restaurants, taverns, cafes, and other establishments with liquor permits; and in state and municipal buildings, most health care institutions, and private college and university dorms. (It was already banned in public college dorms). It allows smoking in outdoor areas of alcohol-serving establishments under certain conditions. It permits smoking in only 25% of a hotel or motel's guest rooms. The ban does not apply to private clubs whose liquor permits were issued before May 1, 2003.

(**PA 03-45**, effective October 1, 2003 with the ban on smoking in taverns and cafes effective April 1, 2004 (another act delays the ban in bowling alley bars until April 1))

Emergencies

This act strengthens the governor's, the Department of Public Health (DPH) commissioner's, and local health directors' powers to respond to public health emergencies like epidemics or bioterrorism. It:

1. authorizes the governor, subject to disapproval by legislative leaders, to declare a public health emergency and order the DPH commissioner to take certain actions;
2. authorizes the commissioner to quarantine, isolate, and vaccinate people during a public health emergency;
3. allows people to refuse vaccination for any reason, including medical, religious, or conscientious grounds, and allows those who do so to be quarantined or isolated;
4. requires DPH to develop a public health emergency response plan;
5. broadens local health directors' existing quarantine authority, but specifies that they must follow the commissioner's orders during a declared emergency;
6. allows the governor to seize anti-toxins and pharmaceutical or other biologic products when there is a shortage of these during a public health or civil preparedness emergency;
7. immunizes state and local officials and others against liability for damages from their actions or inactions during a public health emergency, and requires the state to defend and indemnify them for their expenses;
8. allows DPH temporarily to suspend license requirements for out-of-state health professionals who work in

- Connecticut during a public health emergency; and
9. allows for the distribution of potassium iodide to children during an emergency.
(**sHB 6676**, effective on passage)

Hospital Billing Practices

This act makes a number of changes to the laws governing hospital bed funds, debt collection practices, and services to, and payment for, uninsured patients.

The act:

1. adds more detailed requirements to hospitals' filing of free care and reduced care information with the Office of Health Care Access and requires them to file annual debt collection reports with it;
2. requires already mandated public notices and written summaries about hospitals' bed funds (which are used to pay for care for uninsured patients) to be in English and Spanish, describe other free or reduced-cost hospital policies concerning the indigent, and notify patients that they can reapply if rejected;
3. requires hospitals to require their collection agents to include a summary of the bed fund policy in all bills and collection notices;
4. prohibits referral to a collection agent or initiating an action against a patient for

- fee collection unless certain conditions are met;
5. requires hospitals and others involved in debt collection to discontinue such activities when they learn that the debtor is eligible for bed funds or other financial assistance;
 6. limits prejudgment and postjudgment interest on debt arising from hospital services to 5% per year;
 7. provides a \$125,000 homestead exemption in the case of a money judgment for hospital services;
 8. requires that an order for installment payments on a debt for hospital services and a default on those payments occur before a judgment creditor can apply to collect the judgment; and
 9. specifies that compliance with the installment payment stays any property execution or foreclosure.

(**sSB 568**, effective October 1, 2003)

Pyrotechnic and Other Fire Hazards

This act allows local fire marshals or police to order people to vacate a building immediately when they determine there is a risk of death or injury from overcrowding, blocked exits, or indoor pyrotechnics use. A violation of the order carries a fine of \$200 to

\$1,000, imprisonment for up to six months, or both.

The act also (1) requires the owner of certain places of public assembly to announce publicly the location of exits before any event or performance starts; (2) requires such places to have a main entrance through which two-thirds of the people the building is designed to accommodate may exit during an emergency; (3) adds certain fire safety violations to the nuisance abatement statutes, thus allowing courts to order abatement on finding clear and convincing evidence that a nuisance exists; (4) establishes a fine and jail term for anyone who operates fireworks displays without the required permit or competency certificate and causes a death or injury in the process; (5) gives local fire marshals the same authority as the state fire marshal to seize and dispose of illegal fireworks; and (5) requires attending physicians and health care providers immediately to notify local fire marshals when they treat any injury resulting from the use of fireworks.

(**sHB 6582**, effective on passage)

Expanding State Employee Health Plan Coverage to Small Employers

This act adds employees of small employers to the list of those for whom the comptroller, with the attorney general and the

insurance commissioner's approval, is authorized to arrange group hospital, medical, and surgical health insurance under the state employee health plan. Under the act, a small employer can, on average, have no more than 50 employees, at least half of whom must be employed in the state.

The act requires (1) any coverage arranged for small employers to continue to be underwritten according to the small employer community rating law and (2) small employers to comply with the same state employee plan participation requirements that apply to employees of community action agencies, nonprofit corporations, and municipalities.

(**sSB 353**, effective on passage)

Preferred Provider Networks

This act requires the insurance commissioner to license preferred provider networks (networks), instead of receive an annual informational filing from them. It limits the definition of a network to entities that pay claims for delivering health care services; accept the financial risk for that delivery; and establish, operate, or maintain an arrangement or contract with health care providers relating to (1) the health care services they provide

and (2) the compensation they receive for such services.

Networks include health care services covered under a self-insured employee welfare benefit plan established under federal law. They exclude managed care organizations (MCOs), workers' compensation preferred provider organizations, individual practice associations, and physician hospital associations whose primary function is to contract with insurers and provide services to providers.

The act establishes (1) minimum net worth, financial solvency, and other financial requirements for networks; (2) mandatory contract provisions between networks and MCOs, including contractual obligations that MCOs must satisfy; (3) procedures for network enrollees to lodge complaints, and (4) protections for enrollees and providers who disclose certain violations.

The act (1) prohibits MCOs contracting with networks, and networks and their providers, from seeking compensation from or having any recourse against network enrollees for the payment of benefits and (2) specifies that MCOs contracting with networks are ultimately responsible for health care services.

(**sSB 917**, effective October 1, 2003 except for the provisions on (1) licensing, (2) financial security and financial information filing, (3) MCO monitoring of network financial stability and

management expertise, (4) contractual provisions between networks and MCOs, and (5) MCO information submittal to networks, which are effective May 1, 2004)

Medical Savings Accounts

This act exempts high-deductible health insurance policies used to establish federally qualified medical savings accounts from the \$50 maximum home health care deductible required in certain health insurance policies, thus allowing such policies to be sold in the state. The act applies to individual and group policies that pay (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, (4) accident-only expenses, (5) hospital or medical expenses, (6) limited benefit expenses, and (7) hospital and medical expenses covered by HMOs.

(**SB 71**, effective July 1, 2003)

Group Health Insurance for Early Retirees

This act requires group health insurance plans to give people an option to continue their group coverage at their own expense if they quit their job, take a leave of absence, or reduce their hours because they become eligible to receive Social Security benefits. This coverage must be available to the employee and his dependents until he becomes eligible for Medicare. Under

federal law, people can retire with a reduced Social Security benefit at age 62, but are not eligible for Medicare until age 65 unless they are disabled.

(**PA 03-77**, effective October 1, 2003)

STATE GOVERNMENT

State Construction Contracts

This act:

1. requires contractors to prequalify to bid on state and municipal building construction contracts estimated to cost more than \$500,000 and at least partially funded by the state and redefines “lowest responsible qualified bidder” to include a prequalified contractor;
2. requires advertisements for bids on these contracts to include the financial capacity, prior experience, and workforce required to do the job;
3. prohibits employees with decision-making authority from communicating with bidders on building construction contracts under certain circumstances;
4. prohibits state officials and employees from accepting gifts from prequalified building contractors;
5. expands the process for starting emergency restoration on state facilities under the Department of Public Works

- (DPW) commissioner's control;
6. requires state agencies to evaluate contractors after construction is completed and requires the Department of Administrative Services (DAS) commissioner to place the evaluation in the contractor's prequalification file;
 7. requires the DPW commissioner to adopt regulations to implement bidding and contracting procedures for building construction, including the (a) procedures for evaluating bids after a contractor's prequalification status has been verified and (b) objective criteria for evaluating bidder's qualifications;
 8. requires the transportation commissioner to award large building construction contracts to the lowest responsible qualified bidder who is prequalified by DAS;
 9. requires the Department of Consumer Protection to issue any prequalified contractor who applies a certificate of registration as a major contractor and prohibits the department from collecting a registration fee during any period the contractor's prequalification is valid; and
 10. changes the requirement for employing construction managers.

(**sHB 6417**, effective October 1, 2004, except for the provisions permitting contractors to prequalify with DAS and

emergency construction, which are effective July 1, 2004)

Long-Term Planning for Energy Facilities

This act expands the Connecticut Energy Advisory Board's (CEAB) responsibilities to include energy planning and the identification of alternative solutions to the state's energy infrastructure needs. It requires CEAB to prepare an annual plan on the need for new energy resources, transmission facilities, and energy conservation initiatives in the state. Previously, the Office of Policy and Management was mandated to develop a similar plan every four years and CEAB to report its recommendations on energy policy every other year.

The act requires CEAB to develop guidelines by December 1, 2004 for evaluating alternative proposals for addressing the state's energy infrastructure needs. After that date, CEAB must issue a request for proposals (RFP) to identify alternative solutions when the Siting Council receives an application for a certificate to build an energy facility. The act allows the board to issue an RFP on its own initiative to address needs identified in its annual plan. It requires CEAB to evaluate any proposals it receives, as well as the original application, using the guidelines it develops. CEAB must report its findings to the Siting Council;

they become part of the record upon which the Siting Council must make its decision.

The act also:

1. requires an applicant for a Siting Council certificate for an energy facility, starting July 1, 2003, to pay a fee of \$25,000, which goes to an account the act establishes to reimburse the potential host municipality or municipalities for expenses they incur in participating in the Siting Council process and makes many procedural changes;
2. requires the council to hold a consolidated hearing on the original application and any applications submitted in response to the RFP;
3. in cases where there was a consolidated hearing, requires the council to grant a certificate to the application that represents the most appropriate alternative based on the council's findings and determinations;
4. extends the deadline for the council to hold its hearings and issue its decision to account for the time taken up in the CEAB review process; and
5. imposes more stringent council approval standards for underwater transmission lines and changes the decision criteria for other energy and telecommunications facilities regulated by the council, starting July 1, 2003.

(**sHB 6508**, effective July 1, 2003, except (1) the provision on

siting temporary generation facilities is effective on passage, (2) the provisions related to RFP and the applicant's submission to CEAB of information provided to a municipality are effective October 1, 2004)

Legislative Oversight of Federal Waiver Applications

This act strengthens legislative oversight of Department of Social Services (DSS) federal waiver applications. By law, whenever DSS submits an application to the federal government to waive requirements in a federal program it administers, it must first submit it to the Human Services and Appropriations committees. The act requires, rather than allows, the committees to advise the DSS commissioner of their approval, rejection, or modification of the application within 30 days of receiving it and deems a failure to do so to be an approval.

The act (1) outlines the action that the commissioner must take if the committees reject or modify an application and (2) creates a procedure to be followed when the committees disagree. If the committees reject the waiver application, the commissioner may not submit it to the federal government. She must modify the application when the committees advise her to do so.

When submitting the application to the federal government, the act requires the

commissioner to include a complete transcript of the committees' proceedings along with the written comments submitted. She must also include any written comments she receives during the public comment period the law requires.

(**sSB 687**, effective July 1, 2003)

Board Of Education And Services For The Blind

This act requires the governor's appointee for executive director of the Board of Education and Services for the Blind (BESB) to get legislative approval. Although not specified in law, it appears that in practice, the executive director serves at the governor's pleasure. In addition, the act requires the executive director to have (1) background, training, or education related to services for the blind and (2) program administration, oversight, and leadership experience.

The act establishes a 14-member BESB monitoring council which, in consultation with BESB, must establish benchmarks concerning the agency's management, operations, and services. The council must report on BESB's progress in meeting these benchmarks to three legislative committees by February 1, 2004. The report must include legislative proposals and recommendations for proposed changes in BESB's organizational

structure. If BESB fails to meet specific benchmarks, its deficient programs could be transferred to another state agency. The council sunsets on July 1, 2004.

(**sSB 967**, effective on passage)

VETERANS

Veterans' Benefits

This act makes all veterans who have 90 days of active duty service since August 2, 1990 eligible for several property tax, education, and other benefits. Under prior law, only such veterans who served during (and in some cases, in) specific conflicts or operations were eligible for these benefits. It also extends benefits to all veterans who served during the conflicts in Somalia after December 2, 1992 and Bosnia after December 20, 1995. Under prior law, the veteran had to have served in those countries to qualify.

On the other hand, it eliminates benefits for veterans with active duty service in the demilitarized zone in South Korea after February 1, 1955 and veterans of the Berlin airlift, August 14, 1961 to June 1, 1962; Cuban pacification, September 12, 1906 to April 1, 1909; Nicaraguan campaign, August 28, 1912 to November 2, 1913; and Haitian campaign, July 9, 1915 to December 6, 1915. It also eliminates benefits for veterans who did not serve in a combat or combat-support role

in the Lebanon conflict, July 1,
1958 to November 1, 1958.

(**sHB 5663**, effective on
passage)

SS:eh