

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 passed by the General Assembly in its 2012 regular session.

Not all provisions of the acts are included. Our 2012 Public Act Summary book, which contains detailed summaries of all public acts, will be available later this summer.

The Major Acts are posted on the Internet at <http://cga.ct.gov/olr/>. The Office of Legislative Research also produces a number of specific reports highlighting timely legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports will also be available at the above website.

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ALCOHOL

Liquor Control Act Changes (“Sunday Sales”)

The legislature this year made several changes to the state’s liquor control act. A new law expands the days and hours for alcohol sales, including allowing (1) off-premises sales on Sundays and (2) retailers who sell alcohol for off-premises consumption to sell one item below cost each month. It also establishes the Competitive Alcoholic Liquor Pricing Task Force to study Connecticut’s liquor permitting and pricing laws and compare them with surrounding states.

([PA 12-17](#), most provisions effective upon passage)

BANKS

Interest Rate Floor

The legislature eliminated the 1.5% minimum interest rate for tax and insurance escrow accounts. As of October 1, 2012, the interest rate must be no less than the federal deposit index rate for the previous year. (The 2012 deposit index is 0.16%.)

([HB 5414](#), effective October 1, 2012)

BIENNIAL BUDGET

Revised FY 13 Budget

The FY 13 revised budget increases original FY 13 appropriations by \$143.0 million to \$20.5 billion. Although the budget act does not contain revised FY 13 revenue estimates,

it changes the level of state revenue available by increasing spending in accounts that are partially reimbursed by federal funds, adjusting the transfer between the General and Transportation Funds, increasing funding for tax enforcement, and making various other adjustments. It largely eliminates the \$546.5 million surplus that had been budgeted in the original FY 13 budget, leaving a \$7.5 million balance.

Growth Rate. The growth rate for all appropriated funds is 1.6% over estimated FY 12 expenditures and 0.7% over the prior FY 13 appropriation level.

Spending Cap. The FY 13 revised budget is under the spending cap by approximately \$142.3 million.

Education Reform Funding Initiatives

The legislature appropriated \$93.8 million in FY 13 for education reform initiatives, as shown in Table 1.

Table 1: Education Reform Funding Initiatives
(in millions)

Initiative	Amount \$
Education Cost Sharing (ECS)	50.0
Charter Schools	8.1
Commissioner's Network	7.5
Early Childhood (School Readiness Slots)	6.8
Interdistrict Magnet Schools	4.7
Talent Development	3.5
School Readiness Quality Enhancement	3.0
K-3 Reading	2.7
Various Initiatives	2.2
Sheff	2.0
Family Resource Centers	1.9
Vocational Agriculture	1.4
TOTAL	93.8

Of the 169 towns, 33 receive no ECS increase for FY 13. Of the \$50.0 million in funding, \$39.5 million is earmarked for alliance districts, and the funding is subject to the education commissioner's approval. Additionally, the state's annual per-pupil grant to state charter schools increases from \$9,400 to \$10,500 in FY 13, to \$11,000 in FY 14, and to \$11,500 in FY 15.

For further details about these initiatives, please see EDUCATION REFORM below.

([HB 5557](#), various effective dates)

BUSINESS AND JOBS

Balancing Economic Growth and Environmental Protection

During the 2012 session, the legislature authorized new practices aimed at cutting the time and money spent on obtaining environmental approvals without compromising

environmental goals. A new law allows qualified environmental professionals, instead of Department of Energy and Environmental Protection (DEEP) staff, to certify whether projects requiring a stormwater or wastewater discharge general permit comply with the permit requirements. DEEP may audit each certification and act against a professional who fails to satisfy the permit's requirements.

([sHB 5344](#), effective upon passage)

The legislature also authorized a pilot program for determining the environmental impact of state-funded redevelopment projects. Among other things, it provides a shorter, more condensed environmental review process and the authorization to investigate and remediate property under DEEP's voluntary site remediation program instead of the more cumbersome Transfer Act. The pilot program must be tested on three proposed projects in areas targeted for economic development—enterprise zones, targeted investment communities, and distressed municipalities.

([sHB 5342](#), effective upon passage)

Hartford Region Revitalization

The legislature renewed efforts to revitalize Hartford and boost economic development in the Hartford region by expanding the mission and geographic scope of

the quasi-public agency it initially created to plan and implement the Adriaen's Landing project. The act also allows the agency to (1) create 2,000 additional downtown housing units, (2) develop and redevelop property anywhere in Hartford, and (3) construct riverfront infrastructure anywhere in Hartford or East Hartford.

([sSB 22](#), effective upon passage)

CHILDREN

Children Placed in Seclusion (“Scream Rooms”)

A new law requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion was in accordance with the child’s individualized education program or whether the use of seclusion or restraints was an emergency. It also requires, rather than allows, the State Board of Education (SBE) to review and summarize this information and provide the summaries to the Children’s Committee for inclusion in the children’s report card.

([sHB 5347](#), effective July 1, 2012)

Superior Court Allowed to Finalize Adoptions

The legislature approved a measure that permits the Department of Children and

Families (DCF) to file adoption petitions in the Superior Court, instead of the probate court, when the prospective adoptive child’s biological parents’ rights have been terminated by that court.

([sHB 5217](#), effective October 1, 2012)

Sibling Visitation for Children in DCF Custody

A new law establishes minimum visitation rights for separated siblings of children placed in DCF care and custody, including children in foster homes, starting in October 2014. Siblings must be allowed to visit with each other, on average, once a week provided they are living in Connecticut and within 50 miles of each other. The legislation also requires the DCF commissioner to meet with members of each youth advisory board to get recommendations for a “Sibling Bill of Rights”

([sSB 156](#), effective October 1, 2014 for the sibling visitation and upon passage for the bill of rights)

CRIMINAL JUSTICE

Death Penalty

The legislature eliminated the death penalty as a sentencing option for crimes committed on or after April 25, 2012. It did this by renaming “capital felonies,” such as murdering a law enforcement officer, someone under age 16, or someone during a kidnap or sexual assault or

committing murder for hire or multiple murders at the same time, “murder with special circumstances.” It makes the penalty for this new crime life imprisonment without the possibility of release.

The act specifies that it does not affect capital felony convictions or cases pending before April 25, 2012. Crimes committed before that date can still be punished as capital felonies, which are punishable by either death or life imprisonment without the possibility of release.

The act also establishes a classification process and conditions of confinement for any inmate (1) convicted of murder with special circumstances or (2) whose death sentence is commuted by the Board of Pardons and Paroles, or reduced by a court, to life without the possibility of release.

([PA 12-5](#), effective on passage and applicable to crimes committed on or after that date)

Domestic Violence

A new law gives family violence victims greater support from the courts, law enforcement agencies, and court-based victim service providers. Among other things, it:

1. strengthens certain court restraining and protective orders aimed at protecting family violence victims,
2. requires courts to provide copies of protective orders to victims’ employers and schools upon request, and

3. takes steps to create a standard police approach to family violence crimes. ([sHB 5548](#), most provisions effective October 1, 2012)

Driving Under the Influence (DUI) and Ignition Interlocks

The legislature made a number of changes to the driving under the influence (DUI) laws, including:

1. restricting driving during the first year of ignition interlock device use after a second DUI conviction to driving (a) to or from work or school or (b) to an alcohol or drug abuse treatment program or ignition interlock service center and
2. allowing a DUI offender whose license is permanently revoked to request restoration sooner (after two instead of six years) but requiring lifetime use of an ignition interlock device after restoration, subject to a request for removal of the device for good cause after 15 years of use.

([sHB 5553](#), most provisions effective July 1, 2012)

Reporting a Missing Child (“Caylee’s Law”)

A new law makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both, to knowingly fail to report the disappearance of a child under

age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child's location or has not had contact with him or her for 24 hours.

([HB 5512](#), effective October 1, 2012)

Advertising and Sexual Exploitation of a Minor

A new law creates the class C felony of commercial sexual exploitation of a minor. The crime consists of knowingly purchasing space to advertise for a commercial sex act that includes a depiction of a minor. The act specifies that neither (1) lack of knowledge of the depicted person's age nor (2) reliance on a non-governmental representation are defenses.

It permits the accused to avoid conviction by proving he or she made a reasonable, bona fide attempt to ascertain the depicted person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

Class C felonies are punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both.

([sHB 5504](#), effective October 1, 2012)

EDUCATION REFORM

The General Assembly's 2012 education reform act made major education changes to, among other things,

1. address the state's academic achievement gap;
2. identify and intervene in school districts and schools with low academic performance;
3. increase state education funding to towns;
4. provide more financial support for school choice programs;
5. improve teacher training, qualifications, practice, and evaluation systems; and
6. establish a separate governing board for the state's technical high school system.

New School Readiness Program Spaces

The legislature approved funding for 1,000 new spaces in school readiness programs. Half of the new spaces must be located in the 10 school districts with the lowest academic performance, while the other half are split equally between the (1) priority and former priority districts that not among the 10 lowest and (2) so-called competitive districts, which are districts not included in either of the other two categories but that are either among the 50 poorest

in the state or have one or more low-income schools.

Intensive Early Reading Program

The act creates a new intensive kindergarten-to-grade-three reading program to improve literacy and narrow the achievement gap. In each of the next two school years, five low-achieving schools will be selected to participate. The program must include (1) routine student reading assessments, (2) scientifically based instruction, (3) an intensive reading intervention strategy, and (4) an intensive summer school reading program.

The intervention strategy must include one reading coach and four reading interventionists for each school, all funded by the state. It also includes (1) teacher and administrator training in reading research and (2) administrator training in assessing classrooms to ensure students are proficient readers. Students at priority schools who are reading below proficiency must also be enrolled in an intensive summer school reading program that includes components named in the act.

Intervening in Low-Performing Schools

The act creates the “Commissioner’s Network of Schools” as a means for the state to intervene in low-performing schools and raise student academic achievement. By July

1, 2014, the commissioner must select up to 25 schools for the network, and selected schools must begin implementing school turnaround plans by that date.

When a school is chosen for the network, the act requires its school district to create a turnaround committee, which includes parents and teachers, to develop a turnaround plan for the school based on a menu of school improvement models. If the plan is deficient or no plan is submitted, the education commissioner can use the act’s models to develop his own plan for the school. The act provides for a streamlined collective bargaining process when union contracts need modification in order to carry out the turnaround plan.

The act allows a turnaround committee or the commissioner to choose various nonprofit or government entities to govern or manage network schools, but limits to six the number that can be governed by private nonprofit entities, including charter school management organizations that meet the act’s criteria.

The commissioner must provide funding, technical assistance, and operational support to schools participating in the commissioner's network. SBE must pay any costs of implementing a plan that exceed the school’s ordinary operating expenses.

School Choice Programs

The education reform act increases annual per-student grants to state charter schools, interdistrict magnet schools outside the Hartford region, and school districts operating regional agriculture science and technology centers. It also (1) provides an additional incentive for school districts with more than 4,000 students to increase their enrollment of out-of-district students under the Open Choice interdistrict school attendance program and (2) requires that two of the next four state charter schools approved before July 1, 2017 be schools offering a dual language or other specialized program for English language learners.

Education Cost Sharing (ECS) Grants and Alliance Districts

The act increases ECS grants to towns for FY 13 by \$50 million in the aggregate. It also imposes conditions on ECS grant increases to the 30 towns with the lowest-performing school districts. Release of the additional funds to these “alliance districts” is contingent on the education commissioner’s approval of each district’s plan to improve student and school performance through such methods as extended learning time, improved reading programs, and additional training for teachers and other staff.

The state must also fund a minimum of 10 new family

resource centers and 20 new or expanded school-based health clinics to be located in alliance districts.

Teachers

Qualifications. The act bolsters teacher preparation programs and teacher qualifications in several ways. It (1) establishes a state distinguished educator designation for experienced, successful teachers who have advanced education beyond the master’s degree and who meet SBE-established performance requirements; (2) starting July 1, 2013, requires all certified school employees working with students in kindergarten through grade three to take a practice version of an SBE-approved reading instruction exam; (3) starting July 1, 2015, requires teacher preparation programs to offer classroom experience in each of four semesters; and (4) starting July 1, 2016, requires an applicant for a professional educator certificate to hold a master’s degree in a subject relevant to their teaching.

Professional Development. Beginning July 1, 2013, the act revamps required professional development programs for teachers and administrators to emphasize improved practice and job-embedded individual and small-group coaching sessions. It requires all certified employees to participate. In addition, the act requires the education

commissioner to establish a teacher professional development program for elementary school teachers to provide intensified training in reading instruction.

Annual Evaluations. The education reform act requires school districts to evaluate teachers and administrators every year using new evaluation and support programs that align with new state model guidelines. Before implementing their new programs, districts must train both the evaluators and teachers being evaluated. Once the program is in place, they must include ongoing training on their evaluation programs in their regular in-service training programs for teachers.

Tenure and Termination. Starting July 1, 2014, the act requires school superintendents to use evaluations to inform their decisions on granting tenure to teachers and administrators. It allows districts to terminate teachers or administrators if evaluations find them to be ineffective and they fail to successfully complete a remediation plan. Finally, the act streamlines teacher termination hearings by (1) reducing the maximum time for the process to unfold and (2) limiting each side's testimony and evidence to six hours, unless the hearing official extends the time for good cause.

Technical High School System

The act changes the name of the regional vocational-technical

schools to the technical high school system (CTHSS) and creates a new 11-member board to govern it. The new board consists of four business executives appointed by the governor, five members appointed by SBE, and the economic and community development and labor commissioners. The governor appoints the chairperson, who serves as a nonvoting ex-officio member of the SBE.

The act requires the CTHSS superintendent to submit a proposed operating budget for the system to the CTHSS board. If the board disapproves it, it must adopt an interim budget, which takes effect at the start of the fiscal year and remains in effect until the superintendent submits and the board approves a modified operating budget.

([SB 458](#), most provisions take effect July 1, 2012)

ELECTIONS

Campaign Finance

The legislature modified several state election laws affecting campaign finance and certain absentee voting and nominating procedures. Among other things, the new act:

1. expands reporting, attribution, and disclaimer requirements for entities and individuals making independent expenditures;
2. defines "campaign-related disbursements" and "covered transfers" and

- establishes reporting requirements for them;
3. raises the limits on various contributions from individuals to political committees (known as PACs) and party committees; and
 4. allows military and overseas voters to return their voted absentee ballots by fax or email.

([HB 5556](#), effective upon passage)

Constitutional Restrictions on Election Administration

The legislature took the first step towards amending the state constitution to (1) remove restrictions on voting by absentee ballot and (2) permit a person to vote without appearing at a polling place on Election Day. Currently, the constitution sets the first Tuesday after the first Monday in November in specified years as Election Day for legislative and statewide offices (Article 3 § 8 and Article 4 § 1). With one exception, it requires electors to gather at a meeting on this day to elect state officers (Article 4 § 2). The exception authorizes the General Assembly to pass a law allowing electors to cast their vote by absentee ballot if they will be out of town, sick, or physically disabled or the tenets of their religion prohibit secular activity on Election Day (Article 6 § 7).

Because the resolution did not pass by a three-fourths vote in each chamber, it will be referred

to the 2013 legislative session, where it must again pass each chamber by a majority vote in order to appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

([HJ 2](#), referred to the 2013 legislative session)

Voter Registration

A new law allows eligible people to register to vote and cast a ballot on Election Day (i.e., the day of a regular state or municipal election). It establishes Election Day registration (EDR) procedures and requires the secretary of the state to report to the Government Administration and Elections Committee on EDR administration. It also requires the secretary to establish and maintain an online system for (1) new voter registration applications and (2) changes to existing registrations

([PA 12-56](#), most provisions effective July 1, 2013)

ENERGY

Emergency Response

New legislation requires the Public Utilities Regulatory Authority (PURA) to (1) review electric and gas company emergency preparation and service restoration practices, infrastructure adequacy, and coordination efforts; (2) identify the most cost-effective levels of electric company tree trimming

and system hardening needed to achieve maximum system reliability and minimize outages; and (3) establish electric and gas company emergency performance standards. It requires PURA to review the companies' performance after an emergency and issue (1) orders to enforce the standards and (2) civil penalties for violations. The companies must also submit annual reports on their performance during emergencies.

The act requires PURA to establish standards for restoring intrastate telecommunications under certain circumstances after an emergency. It requires telephone and telecommunications companies to issue credits to customers who lose service under certain circumstances.

The act also, among other things, (1) adds provisions for expedited road clearing for public safety personnel after an emergency and (2) expands the scope of the state's civil preparedness and training requirements.

([sSB 23](#), most provisions effective upon passage)

ENVIRONMENT

Coastal Management

The legislature made several changes to the Coastal Management Act (CMA) and laws regulating certain activities in the state's tidal, coastal, or navigable waters. Among other things, the new law (1) expands the list of

land uses that can be protected under certain circumstances by structural solutions in the coastal boundary to include inhabited structures built by January 1, 1995, (2) revises the CMA's general goals and policies to consider a rise in sea level when planning coastal development, and (3) modifies coastal site plan approval requirements for shoreline flood and erosion control structures.

([SB 376](#), most provisions take effect October 1, 2012)

Open Space

A new law requires the DEEP commissioner to update the state's open space plan by December 15, 2012 and at least once every five years thereafter. He must include in the plan, among other things, (1) an estimate of how much state land is preserved as open space and (2) potential methods, costs, and benefits of establishing a system to accurately track open space land. He must, by October 1, 2014, and in consultation with all state agencies, identify state-owned land that should be conserved and develop a plan to preserve it forever as open space land.

([sSB 347](#), effective October 1, 2012)

Phosphorous Reduction

The legislature took action this session to reduce phosphorus in state waters. It enacted a law that (1) restricts the use of fertilizer, soil

amendments, or compost containing phosphorus; (2) allows the Clean Water Fund to be used for water quality projects that involve nutrient removal, instead of only nitrogen removal; and (3) requires the DEEP commissioner, or his designee, to consult with certain towns' officials to develop a state-wide strategy to reduce phosphorus in inland nontidal waters to comply with Environmental Protection Agency standards.

([sSB 440](#), most provisions effective upon passage)

Solid Waste Disposal Facilities

In 2010, a Superior Court case held that the legislature intended to preempt local regulatory authority of solid waste facilities when it passed PA 06-76. This session, the legislature passed legislation to allow municipalities to regulate such facilities' land use through zoning regulations. But it prohibits municipalities that adopt such regulations under statute from effectively banning solid waste facility construction, alteration, or operation.

([PA 12-2](#), effective upon passage)

FINANCE

New Bond Authorizations

The legislature authorized up to \$621.1 million in new state general obligation bonds for state capital projects and grant programs, including:

1. \$36 million (\$9 million in each of the next four fiscal years) for the underground storage tank petroleum clean-up program;
2. \$60 million for the Connecticut Housing Finance Authority's Emergency Mortgage Assistance Program;
3. \$60 million for the Capital Region Development Authority to provide grants or loans to encourage residential housing development in the capital region;
4. \$25 million for grants for expanding the availability of high-quality school models;
5. \$16 million for low-performing schools in targeted local and regional school districts;
6. \$25 million to establish energy microgrids to support critical municipal infrastructure;
7. \$180 million for infrastructure repairs and improvements to state-owned buildings and grounds; and
8. \$62.5 million for housing development and rehabilitation.

It also authorized up to \$120 million in new special tax obligation bonds: \$90 million for state bridge improvement, rehabilitation, and replacement and \$30 million for the town-aid road grant program.

([sSB 25](#), most provisions are effective July 1, 2012)

Petroleum Products Gross Earnings Tax Cap

The legislature enacted a law that caps at \$3 per gallon the amount of gross earnings from gasoline and gasohol subject to the petroleum products gross earnings tax.

The law also bars petroleum products distributors from including in any billing for the first sale of any petroleum products in the state any amount representing the gross earnings tax that exceeds their gross earnings tax liability. It (1) gives the Department of Consumer Protection (DCP) the discretion to investigate complaints to enforce this provision and (2) makes a violation of this provision an unfair or deceptive trade practice.

The new law also (1) deems the 90 calendar days after its passage to be a period of an “abnormal market disruption” in the price of energy resources and (2) establishes the amount of any future increase in the wholesale price of gasoline or gasohol that must be deemed an abnormal market disruption. By law, during the period of a disruption, all energy resources sellers are barred from charging an “unconscionably excessive price.” It establishes a fine of up to \$10,000 for each market disruption violation in addition to the unfair and deceptive trade

practices penalties that already applied.

([PA 12-4](#), effective upon passage)

GOVERNMENT

ADMINISTRATION

Residential Address Disclosure

The legislature narrowed the Freedom of Information Act’s (FOIA) prohibition on state or municipal agencies disclosing the residential addresses of certain public officials and employees. Specifically, the new law (1) permits certain municipal and election-related documents to be disclosed without address redactions and (2) limits to a covered individual's employing agency, instead of all public agencies, the requirement to keep his or her residential address confidential in certain documents. It allows a covered individual to request address confidentiality from public agencies other than his or her employer and establishes procedures for these agencies to follow when receiving a FOIA request for certain records containing that individual's residential address.

([PA 12-3](#), most provisions effective upon passage)

State Agency Regulations

A new law requires that state agency regulations be posted online, rather than published in the *Connecticut Law Journal*, making them publicly available on the Office of the Secretary of

the State's and regulating agency's Internet websites.

It also requires the Office of Policy and Management secretary to seek the necessary licensing agreements to permit the online posting of regulations containing codes or standards for which a third party holds the intellectual property rights. It requires agencies to post online (1) their policy manuals and guidance documents and (2) policies that have been implemented while in the process of being adopted in regulation form.

Lastly, the act creates an 11-member Regulation Modernization Task Force to develop an implementation plan for publishing regulations online.

([sSB 27](#), most provisions effective July 1, 2013)

HEALTH AND HUMAN SERVICES

All-Payer Claims Database

The legislature passed a new law creating an all-payer claims database program for data relating to medical insurance, pharmacy, and other insurance claims information. The program is contingent on the Office of Health Reform and Innovation's ability to secure federal and private funding to cover its costs.

Under the act, information in the database is broadly available for reviewing health care data, and data disclosure must protect the confidentiality of individual health information. Insurers and other "reporting entities" that fail

to report as specified in implementing regulations are subject to civil penalties of up to \$ 1,000 per day.

([sHB 5038](#), effective upon passage)

Required Newborn Screening for Congenital Heart Disease

Starting January 1, 2013, a new law requires all health care institutions caring for newborn infants to test them for critical congenital heart disease unless, as allowed by existing law, their parents object on religious grounds. The testing must be done as soon as medically appropriate. Like existing law that requires these institutions to test newborn infants for cystic fibrosis and severe combined immunodeficiency disease, the test for critical congenital heart disease is not part of the state's newborn screening program for genetic and metabolic disorders. That program, in addition to screening, directs parents of identified infants to counseling and treatment.

([PA 12-13](#), effective October 1, 2012)

Telemedicine in Federally Qualified Health Centers (FQHC)

New legislation authorizes the Department of Social Services to establish a telemedicine demonstration project in the state's FQHCs. Specifically, it allows Medicaid-covered health care services to be provided by telemedicine in place of in-person

contact between a Medicaid patient and his or her health care provider. Telemedicine can include interactive audio, video, or data communication used to provide medical advice, diagnosis, care, treatment, and similar services

([sHB 5483](#), effective January 1, 2013)

HIGHER EDUCATION

Remedial Education

A new law requires the Connecticut State University System (CSUS) and the community-technical colleges (CTC), beginning by the 2014 fall semester, to offer (1) certain students remedial support embedded with the corresponding entry level course in a college-level program and (2) certain other students an intensive college readiness program. It generally prohibits other forms of remedial education after that time.

The bill also requires public high schools, CSUS, and CTC to align their curricula by the fall semester of 2016. Beginning by the 2014-2015 school year, it requires early assessment of eighth and 10th grade students' college readiness and the sharing of such results with students, parents or legal guardians, and schools.

([PA 12-40](#), effective July 1, 2012)

Transfer and Articulation

The legislature also required CSUS and CTC to develop and implement, by July 1, 2013, a general education core of courses. The core must comprise at least 30 academic credits and be offered in CSUS's and CTC's liberal arts and sciences programs and any other degree program designated as a transfer program. If a student earns academic credits from the core and subsequently transfers to the other system or a different institution in the same system, the act requires those credits to count towards that system's core requirements.

([PA 12-31](#), effective July 1, 2012)

Sexual Violence on College Campuses

New legislation requires public and private higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. The policies must include provisions for (1) providing information to students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policies in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The act also requires such institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns.

([sHB 5031](#), effective July 1, 2012)

HOUSING

Public Housing Security Deposits

Starting January 1, 2013, a new law lowers the annual interest rate that housing authorities, community housing authorities, and other corporations must pay on security deposits made by senior citizens and individuals with disabilities residing in public housing from 5.25% to at least the average savings deposit interest rate paid by insured commercial banks as published in the Federal Reserve Board Bulletin in November of the prior year (i.e., deposit index). (The deposit index for calendar year 2012 is 0.16%.) By law, housing authorities and other corporations must return security deposits to these tenants after they have lived in the housing for at least one year.

([PA 12-24](#), effective October 1, 2012)

INSURANCE

Hurricane Deductibles

A new law allows insurers to impose a hurricane deductible in a homeowner's insurance policy in lieu of an overall policy deductible if a hurricane results in a maximum sustained surface wind of 74 miles per hour or more for any part of the state. The deductible applies from the time the National Hurricane Center issues a hurricane warning for any part of Connecticut and ends 24 hours after the center (1) terminates the last hurricane warning for any part of the state or (2) issues its last downgrade of the hurricane from hurricane status for any part of the state, whichever is earlier.

([sHB 5230](#), effective October 1, 2012)

Insurance Holding Companies

The legislature expanded the scope of the Insurance Department's review when a Connecticut insurer is the subject of a proposed merger or other change of control. The act requires, in most cases, a party seeking to acquire the insurer to file a notification with the commissioner and establishes a waiting period after the acquiring party files this notification. It requires the commissioner to evaluate whether the proposed acquisition will (1) substantially reduce competition in any

insurance line in the state or (2) tend to create a monopoly in the state.

The act expands filing requirements for insurance companies that are part of holding company systems by requiring, in certain cases, the person who ultimately controls an insurance company to file an annual enterprise risk report with the commissioner. It subjects certain transactions between insurers and their holding company systems to department review and approval. The act allows the commissioner to examine an insurance company or its affiliates to determine the company's financial condition, including its enterprise risk.

([sSB 411](#), effective October 1, 2012)

JUDICIAL MATTERS

Palliative Use of Marijuana

The legislature passed a law allowing a licensed physician to certify an adult patient's use of marijuana after determining that the patient has a debilitating condition and could potentially benefit from the palliative use of marijuana, among other requirements.

Such patients and their primary caregivers must, among other things, register with DCP and pay certain fees. Patients and caregivers can possess a combined one-month marijuana supply. The act also creates licensing requirements for

pharmacists to dispense the marijuana and for producers to grow it, and requires them to pay fees.

Subject to various conditions, the act prohibits patients, their caregivers or doctors, dispensaries, or producers from being prosecuted or penalized for specified actions relating to palliative marijuana use. The act does not allow patients to ingest marijuana at work, at school, in public, in moving vehicles, or in front of children.

Among various other things, the act also requires the DCP commissioner to reclassify marijuana as a Schedule II controlled substance (it is currently in Schedule I, subject to the most stringent regulation).

([PA 12-55](#), most provisions effective October 1, 2012)

Racial Profiling and Traffic Stop Information

This act suspends municipal police departments' and the Department of Emergency Services and Public Protection's (which includes the State Police) duty to record and report traffic stop information on July 1, 2012. It requires them to resume (1) recording the information starting on July 1, 2013 and (2) annually reporting summary data starting on October 1, 2013, if new standardized methods are developed. By July 1, 2013, the Office of Policy and Management (OPM), within available appropriations, must develop and implement these methods, in

consultation with a newly created Racial Profiling Prohibition Project Advisory Board and others. OPM, in consultation with the advisory board, must also develop guidelines to train officers on using the forms and evaluating the information collected.

If the method is developed, police officers must record traffic stop information using the method and any forms developed under it and give a notice to each motor vehicle operator stopped. Police departments must provide OPM with (1) annual reports of the data and (2) copies of complaints regarding traffic stops and information on their review and disposition. The act shifts from the African-American Affairs Commission to OPM the responsibility to review the traffic stop data and complaints and issue annual reports.

([SB 364](#), most provisions effective July 1, 2012)

Religious Items on Condominium Unit Entry Doors

A new law generally restricts anyone from prohibiting or hindering a condominium unit's owner, lessee, or sublessee from attaching a religious item to the unit's entry door or entry door frame. Subject to the constitutional protection of religious liberty, the act provides certain exceptions, such as if the

items are beyond a certain size or patently offensive.

([sHB 5536](#), effective July 1, 2012)

LABOR

Collective Bargaining

New legislation allows certain family child care providers and personal care attendants (PCAs) who receive payments from the state to collectively bargain with the state over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that the child care providers and PCAs are not state employees.

The legislation establishes a collective bargaining and arbitration process for the child care providers and PCAs and grants them many of the same collective bargaining rights and obligations given to state employees. It also specifically prohibits certain subjects from being collectively bargained and sets conditions under which the General Assembly must affirmatively approve any contract or arbitration award.

([PA 12-33](#), effective July 1, 2012)

Family and Medical Leave Act

Beginning when the labor commissioner adopts implementing regulations, a new law reduces the number of work hours school paraprofessionals

in educational settings need to qualify for family and medical leave benefits. Under federal law, all municipal employees, including these paraprofessionals, qualify for benefits under the Family and Medical Leave Act (FMLA) if they have been employed by the municipality for at least 12 months and worked at least 1,250 hours in the previous 12 months. The act requires boards of education to grant these paraprofessionals benefits equal to those provided by the federal FMLA if the paraprofessional has (1) been employed by the board for at least 12 months and (2) worked at least 950 hours for the board during the 12 months prior to taking the benefit. The labor commissioner must adopt implementing regulations, and the paraprofessionals cannot begin to accrue the necessary 950 hours until he does so.

([PA 12-43](#), effective upon passage)

Project Labor Agreements

This year, the legislature authorized the state and its agencies and political subdivisions to require a “project labor agreement” (PLA) for public works projects when they determine it is in the public's interest to do so. Under the act, a PLA is a pre-hire agreement covering the terms and

conditions for all people working on a specific public works project.

([SB 33](#), effective upon passage)

MUNICIPALITIES

Property Tax Assessments by Municipalities

A new law explicitly makes partially completed structures or structures under construction (such as a house being built) subject to municipal property tax. Under prior law, it was unclear whether a town's assessor could include the value of partially completed structures and improvements in a property's assessment.

([sHB 5035](#), effective October 1, 2012, and applicable to assessment years beginning on or after that date)

PUBLIC SAFETY

Crane Operations

The legislature made changes in the laws governing cranes and hoisting equipment to comply with new federal Occupational Safety and Health Administration (OSHA) requirements. Beginning October 1, 2014, the act adopts OSHA's definition of crane. In doing so, it expands the types of equipment and operators subject to state regulation, including operator licensing and training, and the state safety code for operating and maintaining cranes and hoisting equipment. Many of the act's provisions codify current state regulations.

Additionally, beginning October 1, 2012, it adopts OSHA's standards governing training for, and operation of, cranes and hoisting equipment by apprentices, including prohibited practices and the level and nature of supervision of apprentices. And, beginning October 1, 2014, it (1) outlines standards that applicants for a crane or hoisting equipment operator license must meet and (2) requires such operators to be retested every four years before the license is renewed.

([sSB 323](#), most provisions effective October 1, 2012)

SENIORS

Grandparents' Visitation Rights

Prior law allowed grandparents and other third parties to petition the Superior Court to grant them visitation with their grandchildren in limited circumstances. A new law instead requires a petitioner to include in the request specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for, as defined under state child abuse statutes.) The court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been

met. The “clear and convincing evidence” standard complies with the standard stated in a recent Connecticut Supreme Court decision (*Roth v. Weston*, 259 Conn. 202 (2002)).

([HB 5440](#), effective October 1, 2012)

Statewide Community Choices Program

A new law requires the Department of Social Services to administer a statewide Community Choices program to help the elderly, people with disabilities, and their caregivers. It will provide a single, coordinated information, referral, and access program for people seeking long-term care support such as in-home, community-based, and institutional services. The act designates the state's Aging and Disability Resource Center as the Community Choices program. Three regions of the state (Western, South Central, and North Central) currently operate such programs.

([sSB 234](#), effective upon passage)

TRANSPORTATION

Department Of Transportation Project Delivery

This year the legislature authorized the Department of Transportation (DOT) commissioner to designate highway construction and maintenance projects to be built using either a (1) “construction-manager-at-risk” contract with a

guaranteed maximum price or (2) design-build contract, as alternatives to the department's traditional "design-bid-build" process. It prescribes how he must do this. The act also requires the commissioner to have DOT employees conduct development and inspection work when possible to reduce the work performed by consultants.

([SB 33](#), effective upon passage)

VETERANS

Services for Veterans in Pretrial Diversionary Programs

New legislation allows veterans and related people to use the accelerated rehabilitation program twice rather than just once.

It broadens eligibility for the diversionary program for people with psychiatric disabilities and the pretrial drug education program by adding certain veterans and specified relatives. It also provides veterans and specified relatives with access to state and federal departments of veterans' affairs services as an alternative to services from the Department of Mental Health and Addiction Services.

([PA 12-42](#), effective October 1, 2012)

Custody Orders For Deployed Members of the Armed Forces

A new law prohibits a court from entering a modified final custody or visitation order until 90 days after a deploying parent's deployment or mobilization ends, unless he or she agrees to a modification. It also sets the requirements for temporary modification of orders issued because of a deployment or mobilization.

([sHB 5395](#), effective July 1, 2012)

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