

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 2013 regular session. Where possible, we have listed the new laws by their Public Act (PA) number. Others are identified by their bill numbers.

Not all provisions of the acts are included. Our 2013 Public Act Summary book, which contains detailed summaries of all public acts, will be available later this summer.

More detailed summaries of 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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BIENNIAL BUDGET

The biennial budget appropriates approximately \$18.6 billion in FY 14 and \$19 billion in FY 15.

The information below on the budget's growth rate, Medicaid funding, and spending cap is from the Office of Fiscal Analysis "[Budget Highlights](#)" booklet, and is available online.

Growth Rate

The growth rate for all appropriated funds is 3.7% over FY 13 estimated expenditures in FY 14 and 2.2% in FY 15.

Net Funding of Medicaid

The FY 14 and FY 15 appropriation for the Department of Social Services' (DSS) Medicaid account reflects only the state's share of this joint state/federal program. For FY 13, the \$4.7 billion gross appropriation for Medicaid included both the state's obligation as well as the reimbursable federal funds.

Spending Cap

The budget is under the spending cap by approximately \$12 million in FY 14 and \$162.1 million in FY 15. Due to the implementation of net funding of Medicaid in the FY 14 and FY 15 budget, the base upon which the spending cap is calculated has been adjusted to also reflect net

funding. Consequently, the FY 14 spending cap calculation base is adjusted downward by \$2.2 billion.

Budget Highlights

The budget act requires the Department of Revenue Services commissioner to establish a tax amnesty program that runs from September 16, 2013 to November 15, 2013. It extends, for two additional years, the temporary (1) cap on the maximum insurance premium tax liability that an insurer may offset through tax credits and (2) 20% corporation income tax surcharge. It also extends the temporary tax on electric generation facilities for an additional three months, from July 1, 2013 to October 1, 2013. Starting June 1, 2015, the law exempts clothing and footwear costing less than \$50 from the sales and use tax.

The law modifies several existing tax credit programs. It (1) reduces the state earned income tax credit against the personal income tax for the 2013 and 2014 tax years, (2) establishes a two-year moratorium on film production tax credits for motion pictures for FYs 14 and 15, and (3) allows the economic and community development commissioner to pay taxpayers holding urban and industrial sites reinvestment tax credits for their credit eligibility certificates with the proceeds

from the \$40 million in bonds authorized under this law.

Other highlights include allowing the Connecticut Lottery Corporation to offer Keno games, in addition to the state lottery; changing amounts transferred to and from the General Fund; eliminating the requirement that a portion of the sales, luxury, and real estate conveyance tax be allocated to the Municipal Revenue Sharing Account, thus requiring these funds to remain in the General Fund; modifying certain annual transfers from the General Fund to the Special Transportation Fund (STF); and eliminating transfers from the Tobacco Settlement Fund to two research funds. It also transfers certain amounts to the General Fund from the STF and other sources.

(PA 13-184, various effective dates)

BONDING

This law authorizes up to \$1.55 billion in state general obligation (GO) bonds for FY 14 and up to \$1.52 billion for FY 15 for state capital projects and grant programs, including school construction, water quality, and economic development projects; farmland and open space acquisition and preservation; improvements to state buildings and property; and grants to municipalities and nonprofit entities.

The law additionally authorizes (1) up to \$712.4 million in revenue bonds over the two years for Clean Water Fund loans and (2) \$706.9 million in special tax obligation bonds in FY 14 and \$588.8 million for FY 15 for transportation projects, including \$120 million over the two years for the town-aid road grant program.

The law authorizes the treasurer to issue (1) up to \$750 million in bonds, notes, or other obligations to reduce the state's accumulated General Fund deficit, determined according to generally accepted accounting principles (GAAP) and (2) additional bonds or other debt to fund up to two years of interest payable or accrued on the bonds and issuance costs. It also commits the state to paying off the remaining GAAP deficit in annual increments over 13 years and authorizes actions to assure bondholders that the state will do so.

(SB 842, effective July 1, 2013 for FY 14 bond authorizations and July 1, 2014 for FY 15 authorizations)

BUSINESS AND JOBS

Commission on Connecticut's Future

To determine how possible defense cuts, program cancelations, and sequestered funds, together with new disruptive technologies could change the way we live and work, the legislature reactivated a

dormant economic development advisory commission representing a cross section of the business, labor, and academic communities; revamped its membership; and broadened its charge. Among other things, the renamed Commission on Connecticut's Future must determine how to:

1. diversify the state's defense businesses or help them switch to making consumer products and
2. ensure that the state's colleges and universities are preparing students for jobs in the manufacturing sector.

(PA 13-19, effective May 28, 2013)

Bioscience Innovation Fund

A new law establishes the Connecticut Bioscience Innovation Fund to finance a wide range of commercially viable bioscience projects that will create jobs while lowering health care costs and improving the delivery of health care services. It capitalizes the fund by authorizing up to \$200 million in GO bonds over 10 years and allows the proceeds to be granted, loaned, or invested in projects proposed by start-up or early stage businesses, colleges and universities, and nonprofit organizations.

(SB 842, effective upon passage)

Minimum Wage Increase

A new law increases the hourly minimum wage from \$8.25 to \$8.70 on January 1, 2014 and from \$8.70 to \$9 on January 1, 2015. It increases the "tip credit" in each of those years to keep the employer's share of (1) hotel and wait staff's hourly wages at its current \$5.69 and (2) bartenders' hourly wages at its current \$7.34.

(PA 13-117, effective July 1, 2013)

CHILDREN AND JUVENILES

Improving Educational Outcomes for Children and Youth in State Custody

A new law requires the Department of Children and Families (DCF), in consultation with the State Department of Education (SDE), to establish a two-year "Raise the Grade" pilot program in Hartford, New Haven, and Bridgeport to improve educational outcomes for children and youth who are in DCF custody or are served by the Judicial Department's Court Support Services Division.

(HB 6705, §§ 124-25, effective July 1, 2013)

Inheritance Rights of a Child Born after the Death of a Married Parent

This law extends certain inheritance rights to a child conceived and born after the death of one of his or her married

parents (i. e., a posthumously conceived child). It does so by including posthumously conceived children in the meaning of certain terms such as “child,” “descendant,” and “heir” used in wills or trust instruments, thus allowing these children to receive the same rights these documents provide to other children or descendants.

(**HB 6694**, effective October 1, 2013)

CONSUMER PROTECTION

Labeling of Genetically-Engineered Food

This new law sets conditions under which certain foods for human consumption that are entirely or partially genetically-engineered must be labeled as such, generally deems such items misbranded if they do not display the required label, and imposes fines and penalties. But these requirements only go into effect in the October following the enactment of similar laws in four other states meeting certain criteria. One of these states must border Connecticut, and the total population of these states in the northeast must be 20 million.

The labeling requirement does not apply to (1) alcohol, (2) food not packaged for retail sale that is intended for immediate consumption, and (3) certain farm products.

The law generally subjects knowing violators to a daily fine of up to \$1,000 per product. But retailers are liable for failure to

label only under certain conditions.

By deeming food that violates the law’s labeling requirements to be misbranded, the law also allows the Department of Consumer Protection to place an embargo on, and in some circumstances, seize, the food. A person who misbrands food or sells misbranded food in Connecticut may be subject to criminal penalties.

(**PA 13-183**, effective October 1, 2013)

Prohibiting Price Gouging During Severe Weather Events

This law extends the bar on excessive price increases to goods and services sold during any severe weather emergency that the governor proclaims. A seller who violates the new law commits an unfair trade or deceptive practice.

(**PA 13-175**, effective upon passage)

CRIMINAL JUSTICE

Human Trafficking

This new law:

1. adds funds and property related to prostitution, 3rd degree promoting prostitution, and commercial sexual exploitation of a minor to the types of property subject to forfeiture as tainted funds and property related to sexual

- exploitation and human trafficking;
2. expands the crime of trafficking in persons;
 3. increases the penalty for patronizing a prostitute from a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$ 2,000, or both) to a class C felony (punishable by up to 10 years in prison, a fine of up to \$ 10,000, or both) when the actor knew or reasonably should have known at the time of the offense that the prostitute was (a) under age 18 or (b) the victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law;
 4. allows anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law;
 5. requires the Office of the Chief Court Administrator to develop a concise notice about services for human trafficking victims and requires truck stops and certain establishments serving alcohol to post it in a conspicuous location where sales occur;
 6. requires the Office of Victim Services to (a) analyze the compensation and restitution services (such as medical, psychiatric, psychological, social, and social rehabilitation services) provided to victims of sexual exploitation and human trafficking and recommend legislation to enhance compensation and services; and
 7. eliminates a requirement that the notice developed by the chief court administrator regarding victims' rights and available services be bilingual.

(PA 13-166, effective October 1, 2013)

Sexual Assault

By law, it is 2nd degree sexual assault to have sexual intercourse, or 4th degree sexual assault to have intentional sexual contact, with someone who is physically helpless. A new law extends the definition of physically helpless for the purposes of sexual assault to include people who are physically

unable to resist an act of sexual intercourse or sexual contact. Existing law already included within the definition of physically helpless someone who is unconscious or otherwise physically unable to communicate unwillingness to the act.

(PA 13-47, effective October 1, 2013)

Domestic Violence and Sexual Assault

A new law makes several modifications to the domestic violence and sexual assault laws. Among other things, it:

1. revises the protocol for surrendering a firearm by a person who is subject to a restraining or protective order;
2. permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
3. requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information; and
4. requires that the family violence training program for judges, Judicial Branch personnel, and court clerks be available to guardians ad litem.

(HB 6702, various effective dates)

Abatement of a Public Nuisance

This new law broadens the circumstances in which the public nuisance law applies by adding various firearm-related offenses and other crimes to the public nuisance abatement statutes. It also adds certain municipal ordinance violations to these statutes and makes a corresponding change by allowing the state to file nuisance abatement suits when three or more citations for such violations are issued at a property within a year.

(PA 13-174, effective October 1, 2013)

Traffic Stop Information

This law extends to more law enforcement officers and departments the requirements to (1) collect and report certain traffic stop information and (2) adopt and follow a profiling policy. These requirements currently apply to the state police and municipal police departments.

(PA 13-75, effective October 1, 2013)

Criminal Penalties for Failure to Report Child Abuse

This law makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required

to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation.

The law also makes it a crime for mandated reporters to fail to report suspected child abuse or neglect to DCF. Currently, this inaction subjects them to fines between \$500 and \$2,500. The law makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both.

(**SB 6342**, effective October 1, 2013)

Civil Immigration Detainers

The legislature established requirements law enforcement officers must follow when they receive a civil immigration detainer regarding a person in their custody. Under this new law, police may detain someone they determine poses a public safety risk, and must immediately notify U. S. Immigration and Customs Enforcement (ICE) of their actions. If ICE fails to take custody of the person within 48 hours, he or she must be released. The new law prohibits the holding of a person for longer than 48 hours solely on the basis of a civil immigration detainer.

(**PA 13-155**, effective January 1, 2014)

Exempting Certain Crime Records from the Freedom of Information Act

A new law exempts, from disclosure under the Freedom of Information Act (FOIA), a photograph, film, video, digital, or other visual image depicting a homicide victim, to the extent that the record could reasonably be expected to constitute an unwarranted invasion of the victim or surviving family members' personal privacy.

The law also exempts from disclosure under FOIA, (1) law enforcement records, compiled in detecting or investigating a crime, that would disclose the identity of minor witnesses and (2) the portion of a recording or audio tape that describes a homicide victim's condition. The audio recording exemption (1) does not extend to 9-1-1 or other calls for assistance made by a member of the public to a law enforcement agency and (2) expires on May 7, 2014.

(**SB 1149**, effective June 5, 2013)

EDUCATION AND SCHOOLS Revisions to Education Cost Sharing (ECS) Formula

The legislature revised the ECS formula, which distributes the largest amount of state education aid to towns, in several ways. It (1) raises, from \$9,687 to \$11,525, the per-student foundation amount, (2) updates the way the state measures town

wealth, including by weighting property-to-income wealth in a ratio of 90/10, (3) changes student need measurement to use the free and reduced price lunch population and giving this population a 1.30 weighting, and (4) establishes a minimum aid ratio of 10% for Alliance Districts and 2% for all other districts.

The new formula aid is distributed using (1) a town's base aid, (2) its fully funded grant, and (3) its phase-in rate. A town's total grant is its base aid added to the product of the amount necessary to reach its fully funded grant multiplied by its phase-in rate.

The new formula aid will be distributed to towns under FY 14 phase-in rates that differ depending upon educational need: non-Alliance Districts (1% of fully funded grant), Alliance Districts (8%) and Educational Reform Districts (12%). Alliance Districts are the 30 districts with the lowest performance index scores in the state, and Educational Reform Districts are the lowest 10 among the Alliance Districts.

(**HB 6706**, effective July 1, 2013)

Minimum Budget Requirement (MBR)

By law, towns receiving ECS grants must budget minimum annual amounts for education, known as the minimum budget requirement (MBR). The legislature continued the current MBR structure, which otherwise

would have expired, for FYs 14 and 15. Under the new law, each town's base MBR for FY 14 is the amount it budgeted for education in FY 13 plus any ECS aid increase received for FY 14. Similarly, the MBR for FY 15 is the amount the town budgeted for education in FY 14 plus any ECS aid increase received for FY 15, again with reductions permitted. The law maintains permitted MBR reductions through FYs 14 and 15.

(**HB 6706**, effective July 1, 2013)

Revisions to 2012 Education Reform Act

The legislature made a number of substantive and procedural changes to the teacher evaluation provisions of the 2012 Education Reform Act (PA 12-116). Among other things, the new law:

1. requires the new teacher evaluation program for each school district to be adopted through mutual agreement between the local board of education and the local professional development and evaluation committee;
2. specifies the steps for adopting a program if the parties cannot reach agreement on one;
3. specifies that UConn's Neag School of Education's report on the teacher evaluation pilot program include any recommendations for

- revisions to the evaluation program guidelines or model program; and
4. deletes a requirement that the State Board of Education (SBE) validate the evaluation guidelines after it receives the Neag report on the pilot and instead requires SBE to review and revise, if necessary, the evaluation guidelines and the model teacher evaluation program.

(**SB 1097**, teacher evaluation provisions effective upon passage and reading initiatives effective July 1, 2013)

Armed School Security

A new law allows cities, towns, or boards of education to hire only active or retired police officers to provide armed security at public schools. It allows only a sworn member of a local police department or a retired state or local police officer to use a firearm when providing public school security. Local officers must be certified by the Police Officer Standards and Training (POST) Council to be eligible for the position. Retired officers must, among other requirements, receive annual POST training and successfully complete annual firearms training from a certified instructor.

(**PA 13-188**, effective upon passage)

State Education Resource Center

A new law requires the State Education Resource Center (SERC) to follow state laws related to (1) awarding contracts through competitive bidding, (2) awarding personal service agreements, (3) the Auditors of Public Accounts, and (4) the Freedom of Information Act. It also requires SDE to annually report to the legislature's Education and Government Administration and Election committees on all SDE- or SERC-awarded contracts, private funding sources, and other items. SDE must also submit to the committees a transition plan, recommending the future status of SERC as one of the following: a quasi-public agency, state agency, or nonprofit organization.

(**SB 1096**, effective upon passage)

Pool Safety at Public Schools

This law establishes and phases in statewide safety standards for public school swimming pools that school boards approve for physical education classes, interscholastic activities, or extracurricular activities.

(**PA 13-161**, effective July 1, 2013)

ELECTIONS

Changes to Campaign Finance Laws and Other Election Laws

This new law modifies statutes affecting elections, campaign finance, the Citizens' Election Program (CEP), and the State Elections Enforcement Commission (SEEC). Principally, this law:

1. authorizes persons, not only individuals, entities, and committees, to make unlimited independent expenditures (IEs);
2. authorizes persons to accept unlimited covered transfers;
3. changes reporting and disclaimer requirements for IEs and establishes them for covered transfers;
4. specifies that political committees do not have to register with SEEC if they will make only IEs;
5. expands contribution and expenditure exemptions;
6. raises various contribution limits;
7. limits the circumstances where a candidate may be cross-endorsed by a minor party;
8. eliminates certain periodic campaign finance reporting requirements for specified candidates and committees;
9. limits who may serve as a campaign treasurer or deputy treasurer, or

apply for a CEP grant, based on previous felonies or campaign finance violations;

10. creates a gift exception under the Code of Ethics for expenses incurred by a public official that are paid by the official's party committee; and
 11. increases maximum penalties for failure to file IE reports and knowing and willful campaign finance violations;
- (PA 13-180, effective upon passage)

Constitutional Amendment Giving the General Assembly Increased Authority Regarding Election Administration

The legislature adopted a resolution proposing a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to cast votes for state officers and legislators and (2) remove restrictions on absentee voting.

The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election?"

(**HJR 36**, which will 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.)

ENERGY

Connecticut's Clean Energy Goals

A new law modifies the state's renewable portfolio standard (RPS), which requires electric companies and competitive suppliers to get part of their power from renewable resources. Among other things, it:

1. expands the types of resources that count as Class I resources used to meet part of the RPS and
2. requires that the value of renewable energy credits (RECs) associated with certain biomass facilities be reduced. (Suppliers and companies use RECs to meet their RPS obligations.)

The law also allows the Department of Energy and Environmental Protection (DEEP) commissioner to (1) solicit proposals from class I and large-scale hydropower generators and (2) direct the electric companies to enter into agreements with them, subject to review and approval by the Public Utilities Regulatory Authority. It allows large scale hydropower to count towards the RPS under certain conditions.

Suppliers or companies that do not meet their RPS obligations must make an alternative compliance payment, which, under the new law, must be used to reduce electric rates.

(**SB 1138**, effective upon passage)

ENVIRONMENT

Coastal Management

A new law makes a number of changes to the state's Coastal Management Act and the laws related to conducting certain activities (e.g., building seawalls) in the state's tidal wetlands and coastal, tidal, or navigable waters. Among other things, it:

1. expands the activities eligible for a certificate of permission from DEEP, including substantial maintenance of certain structures in place before January 1, 1995 and minor alterations to activities completed before that date;
2. allows towns and property owners to temporarily fortify property above the coastal jurisdiction line before a hurricane or tropical storm; and
3. allows applicants for shoreline flood and erosion control structures to request a hearing and an advisory engineering evaluation when DEEP makes a tentative determination to deny a permit application made under § 401 of the federal

Water Pollution Control Act.

The new law also requires the state and towns to consider federal National Oceanic and Atmospheric Administration sea level change scenarios when developing certain plans and programs, such as plans of conservation and development.

(PA 13-179, most provisions take effect October 1, 2013)

Reporting Significant Environmental Hazards

Among other things, a new law changes the standards for determining whether DEEP must be notified when technical environmental professionals or property owners discover pollution causing a significant environmental hazard and that requires further investigation, monitoring, and mitigation.

(HB 6651, effective July 1, 2015)

Dam Safety

The legislature made a number of changes to the dam safety laws, including:

1. requiring owners of certain unregistered dams or similar structures to register them;
2. generally shifting requirements for regular inspections and inspecting and supervising dam construction work from the DEEP commissioner to owners; and

3. requiring owners of high or significant hazard dams or similar structures to develop and implement emergency action plans.

(HB 6441, most provisions take effect October 1, 2013)

Mattress Recycling

A new law establishes a mattress stewardship program to manage discarded mattresses and funds it by imposing a fee on mattress sales. It requires mattress producers to join a nonprofit mattress recycling council, which must develop a plan to manage these mattresses. Producers who fail to participate in the council are prohibited from selling mattresses in Connecticut. DEEP must approve the plan and an auditor must review the fee and any proposed changes to it.

(PA 13-42, most provisions take effect October 1, 2013)

Running Bamboo

People are now liable under a new law for failing to contain “running bamboo” (i. e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property, beginning October 1, 2013. The new law requires a 100-foot setback from abutting property and a public right of way for running bamboo planted after that date, unless it is properly contained. It requires people who sell or install running bamboo to educate customers on the plant’s growing habits, the

law's provisions, and recommended containment methods.

The law subjects violators of its (1) setback or containment provisions to a \$100 fine and (2) education requirements to a \$100 fine for each plant.

(PA 13-82, most provisions effective upon passage)

HEALTH

Tanning Beds

A new law prohibits tanning facility operators from allowing anyone under age 17 to use a tanning device. Violators are subject to the same fine of up to \$100. As under prior law, tanning facility operators are subject to the fine if they know, or should have known, the person's age.

(PA 13-79, effective October 1, 2013)

Tattooing

A new law (1) subjects tattoo artists (called technicians) and their establishments to state licensing and local inspection requirements, respectively. Starting July 1, 2014, the law prohibits anyone from tattooing unless they are 18 or older and obtain this license. The law requires local or district health directors to annually inspect the sanitary condition of tattoo establishments within their jurisdiction and collect an inspection fee of up to \$100. Under the law, the public health

department (DPH) must enforce the new licensure program only if appropriations are available.

(HB 6705, §§132-140 & 159, effective October 1, 2013)

Requiring the Euthanization of Any Cat or Dog to be Performed by a Licensed Veterinarian

With certain exceptions, this new law requires that the euthanization of dogs or cats be performed only by licensed veterinarians in a humane manner and subjects violators to up to a year in prison, up to a \$1,000 fine, or both.

The law does not apply to the euthanization of:

1. farm animals or livestock;
2. cats or dogs by law enforcement officers in the course of their duties;
3. dogs by hospitals, educational institutions, or laboratories licensed to use living dogs in medical or biological teaching, research, or study, in accordance with the law's requirements for such activities;
4. dogs or cats by the Connecticut Humane Society; or
5. animals at federally-regulated animal laboratories.

Under the law, it is a defense to prosecution if a person euthanized a dog or cat with a life-threatening injury or condition to prevent the animal's further suffering.

(**HB 6591**, effective upon passage)

HIGHER EDUCATION
“Next Generation Connecticut”

This law authorizes \$1.55 billion in new bonds for “Next Generation Connecticut,” a capital improvement program under the UConn 2000 infrastructure program.

It specifies the program’s purposes and requires UConn to develop a comprehensive plan to guide the program’s investments. UConn must (1) develop the plan in consultation with various groups, including leaders in the science, technology, engineering, and math-related industries, and (2) annually report to the legislature, beginning January 1, 2016, on its progress towards achieving the plan’s goals. UConn must also assess its progress in meeting the Next Generation program’s purposes by December 31, 2019 and five years thereafter.

Lastly, the law requires UConn to develop, and submit to the legislature by July 1, 2015, a strategic master plan that (1) encompasses all of its academic programs and (2) establishes strategic goals and objectives for the university and such programs.

(**SB 840**, effective July 1, 2013)

Governor’s Scholarship Program

This new law establishes the Governor’s Scholarship program as a single, consolidated state financial aid program for state residents who are undergraduates at in-state public and private higher education institutions. The program replaces the state’s existing undergraduate student aid programs: Connecticut Aid to Public College Students, Connecticut Independent College Student Grant, the Capitol Scholarship, and Connecticut Aid to Charter Oak. It establishes four award categories: a (1) need and merit-based award, (2) need-based award, (3) performance incentive pool, and (4) Charter Oak Grant.

(**HB 6706**, §§ 174-185, effective July 1, 2013)

President of the Board of Regents for Higher Education

This law requires that the president of the Board of Regents for Higher Education (BOR) be appointed by the board, eliminating (1) the governor’s responsibility to appoint the president upon the board’s recommendation and (2) legislative confirmation of the appointee.

It requires BOR to establish the president’s terms and conditions of employment, prescribe his or her duties, and fix his or her compensation.

(PA 13-4, effective April 22, 2013)

HOUSING

Recovering Money Owed To a Unit Owners' Association Due to Nonpayment of Assessments.

A new law makes several changes affecting the six-month priority lien that the Common Interest Ownership Act (CIOA) gives common interest community associations seeking to collect unpaid common over previously recorded security interests (e. g., mortgages). It:

1. extends the period covered by the lien from six to nine months;
2. specifies the circumstances in which the lien applies;
3. excludes from the lien any late fees, interest, or fines that the association assesses against the unit's owner during the nine-month period; and
4. requires an association, before bringing an action to foreclose its lien, to provide mortgage holders with (a) 60 days' notice setting forth specified information and (b) a copy of the demand for payment it must already send to the unit owner.

The law specifies that CIOA's provisions concerning the priority of association liens (in regard to all other liens and encumbrances, not just mortgages) apply despite contrary provisions in the association's declaration or bylaws.

(PA 13-156, various effective dates)

Requiring Working Smoke and Carbon Monoxide Detectors in All Residential Buildings at the Time Title is Transferred

This law, with exceptions, requires a seller, before transferring title to a one- or two-family dwelling for which a new occupancy building permit was issued before October 1, 2005, to give the buyer an affidavit certifying that the (1) permit was issued on or after October 1, 1985 or (2) dwelling is equipped with smoke detection and warning equipment (smoke detectors) complying with the law. The affidavit must also certify that the building (1) is equipped with carbon monoxide (CO) detection and warning equipment (CO detector) complying with the law and (2) does not pose a risk of CO poisoning because the building does not have a fuel-burning appliance, fireplace, or attached garage. A seller who fails to provide the affidavit must credit the transferee with \$250 at the closing.

(HB 6160, effective January 1, 2014)

HUMAN SERVICES

Medicaid Payments for Inpatient and Outpatient Hospital Care; Repeal of Higher Medicaid Reimbursement to Independent Pharmacies

A new law requires DSS to begin paying hospitals for treating Medicaid recipients, both on an inpatient and outpatient basis, using a system based on the patient's diagnosis and the acuteness of the illness. Previously, the hospitals received a flat rate that did not take into account patient acuity. The law also repeals a requirement that the DSS commissioner pay a higher reimbursement to independent pharmacies for dispensing prescriptions to Medicaid recipients.

(**HB 6705**, §§ 76 & 81, effective July 1, 2013)

Elimination of ConnPACE Program

A new law eliminates the ConnPACE program, which provides prescription drug subsidies to lower income individuals who are elderly or have disabilities and do not qualify for Medicare.

(**PA 13-184**, effective January 1, 2014)

Prescription Drug Step Therapy for Medicaid Recipients

A new law authorizes DSS to establish a program for Medicaid recipients that requires them to try a drug on DSS' preferred drug list for 30 days before switching to a different drug. The new program (1) does not apply to mental health drugs, (2) requires the patient to try and fail on only one listed drug before receiving a non-preferred drug, and (3) gives the prescriber access to a clear and convenient process to override step therapy in certain circumstances.

(**HB 6705**, § 127, effective July 1, 2013)

Charter Oak Health Plan Eliminated

A new law eliminates the Charter Oak Health Plan as of January 1, 2014. The Charter Oak Health Plan is for residents who have been uninsured for at least six months, including those with pre-existing medical conditions. Some individuals currently insured through Charter Oak will be able to enroll in health insurance through the Connecticut Health Insurance Exchange starting in October 2013 and others will be eligible for Medicaid under the new federal income eligibility limits effective January 1, 2014.

(**HB 6705**, §§ 86-87, 90-93, & 119-120, effective January 1, 2014)

Nursing Home Debt Recovery

A new law changes how nursing homes are able to recover funds owed them for providing care to individuals who apply for or receive Medicaid. It also changes the way the law treats the (1) assets of Medicaid long-term care applicants and beneficiaries when such assets are transferred and the transfer results in a Medicaid ineligibility period and (2) amount of income Medicaid nursing home residents must apply to their care costs. This includes creating a debt owed to the nursing home (currently, the debt is only to DSS) and allowing nursing homes to sue to recover this debt.

(**HB 6705**, §§ 128-131, effective October 1, 2013)

INSURANCE

Establishing a Mediation Program for Certain Insurance Policy Claims Arising From a Catastrophic Event

This law allows the Insurance Department to establish a program to mediate disputes between insureds and insurance companies to settle certain claims that involve losses from catastrophic events for which the governor has declared a state of emergency.

An insured requesting mediation does not lose any other right he or she may have to redress the dispute after completing the mediation,

including any remedies specified in the insurance policy or any right provided by law. However, if the insured and the insurer settle the case and the insured does not rescind his or her agreement, this provision does not apply.

(**PA 13-148**, effective October 1, 2013)

Health Insurance Coverage for Autism Spectrum Disorders

Under a new law, certain health insurance policies must at least maintain current levels of benefits for insureds who were diagnosed with autism spectrum disorder before the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) is released.

(**PA 13-84**, effective upon passage)

Automotive Glass Work

A new law provides more assurances about an insured's right to choose where to have automotive glass work done. It requires initial communications between an insurer's representative or a third-party claims administrator and the insured about automotive glass works or products to inform the insured about his or her right to choose where to have the work done.

The law also extends a ban on "steering" by automobile physical damage appraisers to glass work performed by a glass shop.

(**PA 13-57**, effective January 1, 2014)

Adverse Determinations and Mental Health Insurance

A new law makes various changes to the process for grieving adverse determinations (e.g., claims denials) by health insurers. Among other things, it reduces the time health insurers have to (1) make initial determinations on requests for treatments for certain mental or substance use disorders and (2) review claim denials and other adverse determinations of such requests.

(**PA 13-3**, §§ 70-79, most provisions effective October 1, 2013)

MUNICIPALITIES

Local Bridge Program

A new law increases the amount of state grant funding available to municipalities to remove, replace, reconstruct, rehabilitate, or improve local bridges to between 15% and 50% of a project's costs. Grants had covered between 10% and 33% of these costs. The law also eliminates the local bridge program's loan component.

(**SB 842**, effective July 1, 2013)

Municipal Opportunities & Regional Efficiencies (M.O.R.E.) Commission's Recommendations

The legislature renewed efforts to help municipalities find efficiencies through regional cooperation. Legislation eliminated regional planning agencies and regional councils of elected officials after January 1, 2015, leaving regional councils of governments (COG) as the only regional planning organizations within the state's planning regions. Changes were also made to COG's powers, duties, and funding formula.

Several other M.O.R.E. Commission recommendations were passed, including provisions requiring the Office of Policy and Management (OPM) to develop a uniform chart of accounts for municipalities; creating a task force to study uniform regional school calendars and requiring regional education service centers to implement them for the 2015 school year; requiring regional human services coordinating councils to be created in each of the state's planning regions; expanding a pilot program in which municipalities develop plans to tax land at a higher rate than buildings; and creating a task force to study the possibility of a school bus driver health insurance pool.

(**HB 6706**, various effective dates)

PUBLIC SAFETY

Firearms, Mental Health and School Security

Public Act 13-3 makes extensive changes in the state's gun (firearm) laws. In doing so, it increases the Department of Emergency Services and Public Protection's (DESPP) enforcement responsibilities. The major changes pertain to assault weapons, long guns (rifles and shotguns), large capacity magazines (LCMs), and gun crimes.

The law, among other things:

1. significantly expands the state's assault weapons ban;
2. bans the sale, purchase, or transfer of LCMs that can hold more than 10 bullets, but allows people who lawfully possess them to declare them to DESPP and keep them;
3. mandates the establishment of a DESPP deadly weapon offender registry of people convicted of a crime involving a deadly weapon, or found not guilty of such a crime by reason of mental disease or defect;
4. requires anyone buying a long gun from someone who is not a gun dealer to undergo a national criminal background check;
5. starting October 1, 2013, requires anyone buying ammunition to have a

state-issued gun credential;

6. prohibits the sale of ammunition or ammunition magazines to anyone under age 18;
7. increases the penalty for gun-trafficking and several other gun-related crimes;
8. expands the law banning people from getting gun credentials or possessing firearms on mental health grounds;
9. expands the ban on the sale or other transfer of armor-piercing bullets;
10. prohibits people from storing firearms on their premises if they know or should know that a resident is ineligible to possess firearms, unless they secure it so that the person cannot access them;
11. adds two members to the seven-member Board of Firearms Permit Examiners; and
12. appropriates \$1 million to DESPP for FY 14 to fund the statewide firearms trafficking task force).

The law also prohibits gun dealers from selling or delivering long guns to anyone under age 18 (age 21 for semiautomatic centerfire rifles that can accept more than five rounds of ammunition). It does not set a minimum age for nondealer sales. But, starting April 1, 2014, it prohibits anyone from buying or receiving a long gun unless he

or she has a state-issued gun permit or certificate. Under the law, the minimum age for getting the long gun eligibility certificate is 18; under existing law, the minimum age for the gun permit and gun eligibility certificate is 21.

(**PA 13-3**, various effective dates)

Another law, adopted after PA 13-3, made a number changes to the above law, largely affecting assault weapons. Among other things, this law allows people to possess and register assault weapons they purchased or placed on consignment on or before April 4, 2013, the day PA 13-3 took effect, but did not receive until after that date. It expands the list of law enforcement officials who can possess the banned weapons. It exempts federally licensed curios and collectors, and it also excludes Olympic target pistols.

(**SB 1094**, effective upon passage)

Mixed Martial Arts

This law legalizes amateur and professional mixed martial arts (MMA), exempting it from the ban on prize fights, and generally subjects MMA matches to the same laws that govern professional boxing, including regulation by DESPP, licensing, taxing, match rules, condition of fighters, age limits, and violations and penalties.

The law defines “MMA” as unarmed combat involving techniques from different martial

arts disciplines, including grappling, kicking, jujitsu, and striking.

Among other things, the law:

1. requires MMA match promoters, referees, sponsors, and participants to be licensed by DESPP;
2. prohibits the DESPP commissioner from issuing a license to conduct MMA matches where local ordinances prohibit it;
3. prohibits anyone under age 18 from engaging in MMA matches;
4. prohibits anyone from competing in a MMA match unless certified by a doctor as physically fit; and
5. prohibits betting on MMA matches;

The law allows minors to attend professional MMA and boxing matches as long as he or she is accompanied by a parent or guardian.

(**HB 5277**, effective October 1, 2013)

Coordinated Long-Term Disaster Relief and Recovery

This law establishes the Connecticut Coordinated Assistance and Recovery Endowment (CT CARE) as a tax-exempt foundation, under a governing board, to support coordinated emergency recovery in cases where state services are affected by natural disasters, acts of domestic terrorism, catastrophic events, or other unforeseen emergencies. It establishes the Coordinated

Emergency Recovery Fund, under the state treasurer's custody, to receive and disburse private funds to CT CARE to provide victims' relief and assistance to individuals, towns, and nonprofit organizations affected by such emergencies.

The law designates DESPP as the state agency for which the foundation is established. It requires the foundation to have a written agreement with DESPP covering its use of DESPP's facilities and resources.

(**HB 6374**, effective upon passage)

Uniform Crime Reports

This law authorizes OPM to deny eligibility for state and federal law enforcement grants to any municipality whose police department fails to comply with the state's uniform crime reporting system's reporting requirements.

(**HB 6375**, effective October 1, 2013)

TRANSPORTATION

Issuing Driver's Licenses to Undocumented Immigrants

A new law, effective January 1, 2015, allows someone who cannot provide the motor vehicles commissioner with proof of legal U.S. residence to get a restricted driver's license. Such a license cannot be used for federal identification purposes (e. g., boarding a plane) or as proof of identity in order to vote.

The law specifies the types of proof of identity and residence needed to obtain such a license and the restrictions on the license's use. It prohibits the commissioner from issuing such a license to a person convicted of a felony in Connecticut.

(**PA 13-89**, most provisions effective January 1, 2015)

Highway Worker Safety

A new law stiffens the penalties for drivers who violate certain laws within highway work zones, and makes other changes concerning highway work zone safety. Among other things, it doubles the fine for drivers who use hand-held cell phones in a highway work zone. It adds violators of the highway work zone safety law to those people who may be required to attend a driver retraining program and requires that motorists who exceed certain speed limits in a work zone attend the program.

(**PA 13-92**, effective October 1, 2013)

Strengthening the Cell Phone Law

A new law increases the fines for violating the ban on driving while operating a cell phone, texting, or engaging in an activity that interferes with a vehicle's safe operation. Starting October 1, 2013, the fines are: \$150 for a first offense, \$300 for a second offense, and \$500 for each subsequent offense.

(**HB 6033**, §§ 2, 37 & 60, most provisions effective October 1, 2013)

Another new law specifically prohibits drivers from using hand-held cell phones or mobile electronic devices when their vehicle is temporarily stopped because of traffic, road conditions, or a traffic control sign or signal.

(**SB 975**, § 10, effective October 1, 2013)

VETERANS AND SERVICE MEMBERS

Restoring Benefits to Veterans Discharged Under “Don’t Ask, Don’t Tell”

This law makes veterans eligible for state benefits if the state benefits were denied because the veteran was ineligible for federal benefits under the “don’t ask, don’t tell” policy and the veteran has had his eligibility for federal benefits reinstated.

The law also requires, to the extent practicable, the Department of Veterans’ Affairs to inform veterans of legal services organizations that will help them get military discharge upgrades and reinstated federal benefits.

(**PA 13-48**, effective October 1, 2013)

Military Leave from Employment

This law aligns state law with the federal Uniformed Services Employment and Reemployment Rights Act, which protects employees who serve or served in the military from workplace discrimination because of that service. Its protections include (1) being permitted a leave of absence when the member is ordered to military duty, including meetings and drills, during regular working hours, and (2) protection from loss of vacation or holiday privileges, or prejudice in promotions, continuances, or reappointments of employment due to absences.

(**PA 13-49**, effective October 1, 2013)

Expanding Step-Up Eligibility

This law expands eligibility for the state’s Unemployed Armed Forces Subsidized Training and Employment Program, which offers subsidies and training grants to certain employers that hire eligible unemployed veterans, to include all unemployed, honorably discharged U. S. armed forces members who served for at least 90 days or have a service-related disability.

(**PA 13-63**, effective upon passage).