

SUMMARY OF 2015 PUBLIC ACTS

Connecticut General Assembly

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NOTICE TO USERS

This publication, *Summary of 2015 Public Acts*, summarizes all public acts passed during the 2015 Regular Session and June 2015 Special Session of the Connecticut General Assembly. Special acts are not summarized.

Use of this Book

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Organization of the Book

The summaries are organized in chapters based on the committee that sponsored the bill. Bills sent directly to the floor without committee action (emergency certification) are placed in a separate chapter. Within each chapter, summaries are arranged in order by public act number.

2015 VETOED ACTS

1. PA 15-2, An Act Concerning Reporting Requirements of the University of Connecticut and the Board of Regents for Higher Education Regarding Financial Aid and Requiring Legislative Approval for the Closure of Certain College Campuses and Manufacturing Programs (Higher Education and Employment Advancement Committee)
2. PA 15-18, An Act Concerning Student Membership on the Board of Trustees for the University of Connecticut (Higher Education and Employment Advancement Committee)
3. PA 15-111, An Act Concerning Program Approval for Independent Institutions of Higher Education (Higher Education and Employment Advancement Committee)
4. PA 15-112, An Act Concerning Unsubstantiated Allegations of Abuse or Neglect by School Employees (Committee on Children)
5. PA 15-125, An Act Concerning Recommendations of the School Nurse Advisory Council (Public Health Committee)
6. PA 15-126, An Act Concerning Coinsurance Clauses in Certain Commercial Insurance Policies and Contracts (Insurance and Real Estate Committee)
7. PA 15-145, An Act Concerning the Collection and Reporting of Data Relating to Special Education Expenditures (Education Committee)
8. PA 15-176, An Act Establishing Qualifications for the Commissioner of Education (Education Committee)
9. PA 15-188, An Act Concerning Reemployment and the Municipal Employees' Retirement System (Labor and Public Employees Committee)

TABLE ON PENALTIES

Crimes

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. For most crimes, the court may also impose a probation term. For eligible offenders, the court may order participation in various programs, such as accelerated rehabilitation or the pretrial alcohol education program, and dismiss the charges upon the offender's successful completion of the program.

When sentencing an offender to prison, the judge must specify a period of incarceration. The prison terms below represent the range within which a judge must set the sentence. A judge may suspend all or part of a sentence unless the statute specifies it is a mandatory minimum sentence. The judge also sets the exact amount of a fine, up to the established limits listed below. Repeated or persistent offenses may result in a higher maximum than specified here

<i>Classification of Crime</i>	<i>Imprisonment</i>	<i>Fine</i>
Class A felony (murder with special circumstances)	Life, without release	up to \$20,000
Class A felony (murder)	25 to 60 years	up to 20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	up to 20,000
Class A felony	10 to 25 years	up to 20,000
Class B felony (1 st degree manslaughter with a firearm)	5 to 40 years	up to 15,000
Class B felony	1 to 20 years	up to 15,000
Class C felony	1 to 10 years	up to 10,000
Class D felony	up to 5 years	up to 5,000
Class E felony	up to 3 years	up to 3,500
Class A misdemeanor	up to 1 year	up to 2,000
Class B misdemeanor	up to 6 months	up to 1,000
Class C misdemeanor	up to 3 months	up to 500
Class D misdemeanor	up to 30 days	up to 250

Violations

CGS § 53a-43 authorizes the Superior Court to fix fines for violations up to a maximum of \$500 unless the amount of the fine is specified in the statute establishing the violation. CGS § 54-195 requires the court to impose a fine of up to \$100 on anyone convicted of violating any statute without a specified penalty.

A violation is not a crime. Most statutory violations are subject to Infractions Bureau procedures which allow the accused to pay the fine by mail without making a court appearance. As with an infraction, the bureau will enter a *nolo contendere* (no contest) plea on behalf of anyone who pays a fine in this way. The plea is inadmissible in any criminal or civil court proceeding against the accused.

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime; and violators can pay the fine by mail without making a court appearance.

EMERGENCY CERTIFICATION

PA 15-244—HB 7061
Emergency Certification

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS AND TAX FAIRNESS AND ECONOMIC DEVELOPMENT

SUMMARY: This act appropriates funds for state agencies and programs and estimates state revenue for FYs 16 and 17. It carries forward unspent balances from prior years' appropriations and directs funds to be spent for specific programs and purposes, adjusts FY 15 appropriations to cover deficiencies, and transfers revenue from various sources to the General Fund for FYs 15 through 17. Among other things, the act:

1. freezes funding for the state's share of retired teachers' health insurance costs and requires the retired teachers' health insurance account to pay any remaining costs (§ 19);
2. establishes municipalities' education cost sharing (ECS) grants (§ 33); and
3. modifies the methodology for calculating the state's spending cap for FYs 15 through 17 (§ 35).

Among its major state tax provisions, the act:

1. fully exempts federally taxable military retirement pay from the state income tax (§ 65);
2. increases marginal income tax rates for certain higher income filers (§ 66);
3. eliminates certain sales and use tax exemptions and extends the tax to new taxable goods and services (§§ 71, 74-77 & 219);
4. increases, from 7% to 7.75%, the sales and use tax rate on specified luxury items (§§ 72 & 73);
5. directs a portion of sales tax revenue to the Municipal Revenue Sharing Account (MRSA) and Special Transportation Fund (STF) (§ 74);
6. extends the 20% corporation income tax surcharge that was set to expire after the 2015 income year for two additional years (the 2016 and 2017 income years) and imposes an additional temporary 10% surcharge for the 2018 income year (§§ 83 & 84);
7. limits the extent to which corporations, insurance companies, and hospitals may use tax credits to reduce the amount of taxes they owe (§§ 85-89);
8. imposes a new mandatory combined reporting requirement for groups of related corporations meeting certain criteria (§§ 138-163);

9. establishes a new 6% gross receipts tax on ambulatory surgical centers (§ 172); and
10. increases the cigarette tax in two steps, from (a) \$3.40 to \$3.65 per pack on October 1, 2015 and (b) \$3.65 to \$3.90 per pack on July 1, 2016 (§§ 176-180).

The act authorizes several initiatives to strengthen municipalities' fiscal capacity and minimize disparities resulting from the property tax on motor vehicles. Specifically, it:

1. beginning in FY 17, restructures the state's payment in lieu of taxes (PILOT) program by establishing minimum annual reimbursement rates and a method for disbursing PILOT grants when appropriations are not enough to fund the full grant amounts;
2. requires the Office of Policy and Management (OPM) to distribute MRSA funds for municipal grant programs, including newly established motor vehicle property tax grants, municipal revenue sharing grants, and regional services grants for councils of government (COG);
3. authorizes a regional property tax base revenue sharing program for municipalities within a planning region to share up to 20% of the property tax revenue generated on specified commercial and industrial property; and
4. caps the mill rate municipalities and special taxing districts may impose on motor vehicles at (a) 32 mills for the 2015 assessment year and (b) 29.36 mills for the 2016 assessment year and thereafter.

Among its other major provisions, the act:

1. increases the number of package store or druggist liquor permits in which a person may have an interest from (a) three to four, on July 1, 2015, and (b) four to five, on July 1, 2016 (§ 81);
2. extends by one hour each day the allowable hours for alcohol sales for off-premises consumption by certain alcohol permittees (§ 82);
3. transfers funds from various accounts to the General Fund (§§ 93-95, 99-102, 181-182 & 221);
4. allows the Connecticut Lottery Corporation to offer keno as a lottery game under certain conditions (§§ 103-106);
5. establishes a framework for regulating the manufacture and sale of electronic nicotine delivery systems and vapor products (§§ 108-111);

6. increases license renewal fees for various Department of Public Health (DPH) licensed professionals and directs the revenue generated to fund the professional assistance program for DPH-regulated professionals (§§ 112-137); and
7. establishes a mechanism for diverting projected surpluses in certain tax revenues to the Budget Reserve (i.e., “Rainy Day”) Fund (BRF) (§§ 164-169).

EFFECTIVE DATE: July 1, 2015, unless otherwise noted below.

§§ 1-9 — FY 16 AND FY 17 APPROPRIATIONS

The act appropriates money from the state’s nine appropriated funds for state agency operations and programs in FYs 16 and 17. Table 1 shows the net annual appropriations for each year from each fund.

Table 1: FY 16 and FY 17 Net Appropriations by Fund

§	Fund	Net Appropriation	
		FY 16	FY 17
1	General Fund*	\$ 18,175,553,801	\$ 18,738,158,675
2	STF	1,416,073,382	1,496,138,933
3	Mashantucket Pequot and Mohegan Fund	61,779,907	61,779,907
4	Regional Market Operation Fund	1,061,237	1,067,306
5	Banking Fund	29,636,246	29,889,297
6	Insurance Fund	79,933,789	81,351,940
7	Consumer Counsel and Public Utility Control Fund	26,990,146	26,953,593
8	Workers' Compensation Fund	27,312,126	26,982,874
9	Criminal Injuries Compensation Fund	2,851,675	2,934,088

*PA 15-5, June Special Session (§§ 155 & 156) reduces net General Fund appropriations by \$14 million in FY 16 and \$ 27 million in FY 17.

§§ 10, 11 & 38 — GENERAL FUND AND PERSONAL SERVICES SAVINGS

For FYs 16 and 17, the act requires OPM to recommend spending reductions in each branch of government to reduce General Fund and personal services expenditures. Table 2 lists the annual spending reductions for each branch. The provision concerning personal services reductions does not apply to the higher education constituent units.

Table 2: FY 16 and FY 17 Spending Reductions

Branch	General Fund		Personal Services	
	FY 16	FY 17	FY 16	FY 17
Executive	\$ 9,678,316	\$ 9,678,316	\$ 30,920,000	\$ 30,920,000
Legislative	39,492	39,492	770,000	770,000
Judicial	282,192	282,192	3,310,000	3,310,000

The act also requires the OPM secretary to recommend savings to reduce General Fund expenditures by \$7,110,616 in FY 16 and \$12,816,745 in FY 17. It requires him to apply the reductions only to state employees and in an appropriate and proportionate manner among branches and agencies. In doing so it overrides the statutory requirement that the budget act specify the amount of any statewide unallocated budget reductions to be achieved in each branch of government (CGS § 2-35 (c)).

(PA 15-5, June Special Session (JSS) (§§ 155 & 156) adds \$12.5 million in targeted General Fund annual savings for FY 16 and FY 17. It also permits the OPM secretary to reduce specified allotments to achieve the savings.)

§ 12 — MUNICIPAL AID REDUCTIONS

The act requires the OPM secretary to recommend municipal aid spending reductions for FY 16 and FY 17 to reduce General Fund expenditures by \$20,000,000 in each year.

§ 13 — APPROPRIATIONS FOR NONFUNCTIONAL – CHANGE TO ACCRUALS

The act bars the OPM secretary from allotting funds from the Nonfunctional – Change to Accruals line item accounts in each of the state’s nine appropriated funds, regardless of the law requiring the governor, through OPM, to allot appropriations before they can be spent. These line items represent the change to accruals in agency budgets due to the conversion to generally accepted accounting principles (GAAP)-based budgeting.

§ 14 — FEDERAL REIMBURSEMENT FOR DEPARTMENT OF SOCIAL SERVICES (DSS) PROJECTS

For FY 16 and FY 17, the act authorizes DSS, with OPM’s approval, to establish receivables for the anticipated reimbursement from approved projects. It must do so in compliance with any advanced planning documents approved by the federal Department of Health and Human Services.

§ 15 — NEWBORN SCREENING ACCOUNT

For FYs 16 and 17, the act allocates \$3,109,177 annually, rather than the statutorily required \$500,000 per fiscal year, to the General Fund’s newborn screening account. The funding comes from fees the Department of Public Health (DPH) charges institutions for comprehensive newborn testing, parent counseling, and treatment. DPH must use \$1.91 million of the allocated amount for upgraded screening technology

and testing expenses. Of the remaining allocation, the act (1) credits \$600,000 to DPH's personal services account to offset the screening program's personnel costs and (2) makes \$599,177 available to DPH for grants to newborn screening regional and sickle cell disease treatment centers.

§ 16 — DEPARTMENT OF CHILDREN AND FAMILIES (DCF)-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

The act suspends per diem and other rate adjustments for FY 16 and FY 17 for private residential treatment facilities licensed by DCF.

§ 17 — AUTHORITY TO TRANSFER PERSONAL SERVICES APPROPRIATIONS

The act authorizes the OPM secretary to transfer:

1. personal services appropriations in any appropriated fund from agencies to the Reserve for Salary Adjustments account to more

accurately reflect collective bargaining and related costs and

2. General Fund appropriations for Reserve for Salary Adjustments to any agency in any appropriated fund to implement salary increases; other employee benefits; agency costs related to staff reductions, including accrual payments; or any other authorized personal service adjustment.

§§ 18, 27, 29, 30, 36, 37, 42, 43 & 45 — FUNDS CARRIED FORWARD

Funds Carried Forward for the Same Purpose

The act carries forward various unspent balances from prior years' appropriations and requires them to be used for the same purpose in FY 16 or FY 17, rather than lapsing at the end of the fiscal year (see Table 3).

Table 3: Funds Carried Forward for the Same Purpose*

§	Agency	Purpose	Amount	FY
18 (a)	OPM	Collective bargaining agreements and related costs for FY 14 & FY 15	Unspent balance	16 & 17
18 (b)	OPM	Collective bargaining agreements and related costs in General and Special Transportation Funds for FY 16	Unspent balance	17
27	OPM	Criminal Justice Information System	Unspent balance	16 & 17
29	Department of Motor Vehicles (DMV)	Commercial Vehicle Information Systems and Networks Project	Unspent balance	16 & 17
30 (a)	DMV	Upgrading registration and driver's license data processing systems	Unspent balance	16 & 17
30 (b)	DMV	Upgrading registration and driver's license data processing systems	Up to \$7,000,000	16 & 17
30 (c)	DMV	Upgrading registration and driver's license data processing systems	Up to \$8,500,000	16 & 17
36 (a)	Secretary of the State (SOTS)	Connecticut Data Collaborative	Up to \$297,000	16 & 17
36 (b)	SOTS	Electronic voting systems	Up to \$150,000	16 & 17
37 (a)	Office of Legislative Management (OLM)	Tax study	Up to \$70,000	16 & 17
37 (b)	OLM	Disparity study by the Connecticut Academy of Science and Engineering (CASE)	Up to \$299,400	16 & 17
37 (e)	OLM	CASE family violence study	Up to \$55,000	16 & 17

*PA 15-5, JSS (§§ 402 & 464) adds items to this list.

Funds Carried Forward for a Different Purpose

The act carries forward prior years' appropriations to FY 16 or FY 17 and requires them to be used for other purposes in the same agency, as shown in Table 4.

Table 4: Funds Carried Forward for a Different Purpose*

§	Agency	Prior Purpose	New Purpose	Amount	FY
37 (c)	OLM	Other expenses	National Center for Higher Education Management Systems contract	Up to \$96,000	16 & 17
37 (d)	OLM	Other expenses	Charter Oak Group consulting services for Appropriations Committee Accountability Initiative	Up to \$47,500	16 & 17
45	State Department of Education (SDE)	Other expenses	Multi-year, comprehensive analysis of African American, Latino, and poor children in Connecticut, including a grant for data and analysis on the achievement gap (see § 45 below)	Up to \$100,000	16 & 17

* PA 15-5, JSS (§§ 89, 91 & 336) adds items to this list.

Funds Carried Forward and Transferred

The act carries forward and transfers the amounts shown in Table 5.

Table 5: Funds Carried Forward and Transferred*

§	Agency	Amount	From	To	FY
42 (a)	Department of Banking (DOB)	Up to \$412,150	Fringe benefits	Personal services (\$221,102); other expenses (\$10,000); equipment (\$10,800); and fringe benefits (\$170,248), to hire four additional staff	16
42 (b)	DOB	Up to \$420,920	Fringe benefits	Personal services (\$232,157); other expenses (\$10,000); and fringe benefits (\$178,763)	17
43	Department of Energy and Environmental Protection (DEEP)	Up to \$152,000	Solid waste	Other expenses—purchase of pheasants	16

* PA 15-5, JSS (§§ 90, 92, & 509) adds items to this list.

§ 19 — STATE PAYMENTS FOR RETIRED TEACHERS' HEALTH INSURANCE

For FYs 16 and 17, the act freezes funding at the FY 15 appropriated level for the state's share of retired teachers' health insurance costs and requires the retired teachers' health insurance premium account to pay any remaining associated costs. In doing so, it overrides the statute specifying the state's share of (1) Teacher's Retirement Board (TRB)-sponsored retiree health plans and (2) the subsidy for retirees in local board of education health plans.

Under that statute, annual premiums for the basic TRB plan are split equally among (1) the General Fund; (2) the retired teacher; and (3) the retired teachers' health insurance premium account, which is funded by active teachers who contribute 1.25% of their salaries to it. For retired teachers covered under local board health plans, the law requires the TRB to provide a monthly subsidy to the local boards to offset retired teachers' local plan premiums. Retirees are responsible for paying the difference between the subsidy and the premium cost. By law, the state General Fund pays one-third of the subsidy, and the retired teachers' health insurance account pays two-thirds.

§§ 20 & 21 — TRANSFERS AND FUNDING ADJUSTMENTS TO MAXIMIZE FEDERAL MATCHING FUNDS

The act allows the governor, with the Finance Advisory Committee's (FAC) approval, to transfer all or part of an agency's General Fund appropriation at its request to another agency to take advantage of federal matching funds, as long as both agencies certify that the receiving agency will spend the money for the original purpose. Federal funds generated from transfers can be used to reimburse General Fund spending, expand services, or both, as the governor, with FAC approval, determines.

The act also allows the governor, with FAC approval, to adjust an agency's General Fund appropriation to maximize federal funding to the state. The governor must report on any adjustment to the Appropriations and Finance, Revenue and Bonding committees.

§§ 22 & 24 — TRANSFERS TO MEDICAID ACCOUNT

The act allows the OPM secretary to transfer all or part of any FY 16 or FY 17 General Fund appropriation for the UConn Health Center or the Department of Veterans' Affairs to DSS's Medicaid account in order to maximize federal reimbursement.

§ 23 — DSS PAYMENTS TO DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES (DMHAS) HOSPITALS

The act requires DSS to spend money appropriated to it for FY 16 and FY 17 for DMHAS – Disproportionate Share payments when and in the amounts OPM specifies. DSS must make payments to DMHAS hospitals for operating expenses and related fringe benefits. Hospitals must reimburse the comptroller for the fringe benefit payments and deposit the other funds into “grants – other federal accounts.” Unspent disproportionate share funds in the “grants” account must lapse at the end of each fiscal year.

§ 25 — BIRTH-TO-THREE PROGRAM

For FYs 16 and 17, the act requires SDE to annually transfer \$1 million of the federal special education funds it receives to the Department of Developmental Services (DDS) for the Birth-To-Three Program to carry out special education-related responsibilities consistent with federal special education law. (PA 15-5, JSS (§§ 259-261) shifts responsibility for the Birth-to-Three Program from DDS to the Office of Early Childhood.)

§§ 26 & 31 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

The act reserves certain amounts from line items in agency budgets for various purposes, as shown in Table 6.

Table 6: Reserved Amounts from FY 16 and FY 17 Line Item Appropriations*

§	Agency	Appropriation For	Reserved For	Amount
26	DMHAS	Pretrial Education Program	Regional Action Councils (\$353,025) and Governor’s Prevention Partnership (\$475,950)	Up to \$828,975 annually
31	Board of Regents (BOR)	Connecticut State University	Maintenance of National Iwo Jima Memorial and Park in Newington	Up to \$50,000

*PA 15-5, JSS (§§ 343 & 507) adds items to this list.

§ 28 — DDS AND DMHAS COST SETTLEMENTS WITH PRIVATE AND NONPROFIT PROVIDERS

During FYs 16 and 17, the act requires private and nonprofit organizations providing services under contract with DDS or DMHAS to reimburse these agencies at 100%, or an alternate amount identified by the DDS or DMHAS commissioners and approved by the OPM secretary, of the difference between the actual expenses incurred and the amount the organization

received from these agencies under the contract.

§ 32 — PRIVATE OCCUPATIONAL SCHOOL STUDENT PROTECTION ACCOUNT

The act overrides statutory restrictions to allow the Office of Higher Education (OHE) to spend up to \$525,000 in FY 16 and up to \$575,000 in FY 17 from the private occupational school student protection account.

§ 33 — EDUCATION COST SHARING (ECS) GRANTS

The act establishes each municipality’s ECS grant for FYs 16 and 17. The act also transfers \$10 million in FY 16 and again in FY 17 from MRSA for ECS grants (see § 207).

§ 34 — CITIZEN’S ELECTION FUND (CEF) TRANSFERS

For FYs 16 and 17, the act transfers funds from the CEF to SOTS for other expenses in the amounts and for the purposes specified in Table 7. It does so regardless of a law requiring CEF funds to be used for the Citizen Elections Program.

Table 7: FY 16 and FY 17 Transfers from CEF to SOTS

Purpose	Amount	
	FY 16	FY 17
Annual Dues to the Electronic Registration Information Center and, in FY 17, mailings to likely eligible but unregistered voters	\$42,000	\$142,000
Registrar and Deputy Registrar of Voters training	40,000	40,000
Grants to Regional Councils of Government for elections preparation and post-election activities costs	100,000	100,000
Election monitoring in Hartford	N/A	50,000

§ 35 — SPENDING CAP CALCULATION

The state’s statutory and constitutional spending cap bars the legislature from authorizing an increase in general budget expenditures for any fiscal year that exceeds the greater of the percentage “increase in personal income” or “increase in inflation,” unless (1) the governor declares an emergency or the existence of extraordinary circumstances and (2) at least three-fifths of each house of the legislature approves the extra expenditure for those purposes (CGS § 2-33a & Conn. Const., art. III, § 18(b)). By law, the “increase in personal income” is the state’s average annual increase in personal income for the preceding five years, based on United States Bureau of Economic Analysis data. Under prior practice, OPM and the Office of Fiscal Analysis calculated this average annual increase on a

fiscal year basis. For FY 15 through FY 17, the act instead requires them to do so on a calendar year basis.

The act also expands the types of expenditures excluded from the spending cap to include certain appropriations for unfunded pension liabilities. By law, the payment of principal and interest on state bonds, notes, or other “evidences of indebtedness” is excluded from the cap. For FY 15 through FY 17, the act provides that “evidences of indebtedness” includes expenditures for the state employees’ and teachers’ retirement systems that are used to reduce the systems’ unfunded liabilities. In doing so, it excludes such spending from the cap.

As under existing law, the following expenditures are also excluded from the cap:

1. statutorily required transfers of unappropriated General Fund surpluses (a) to the BRF (“Rainy Day Fund”) and (b) once the fund reaches the maximum, to fund the State Employees Retirement Fund’s unfunded liability and other outstanding state debt;
2. statutory grants to distressed municipalities, if the grants were in effect on July 1, 1991; and
3. payments to implement federal mandates or court orders for the first fiscal year in which the spending is authorized.

EFFECTIVE DATE: Upon passage

§ 39 — TOBACCO AND HEALTH TRUST FUND ALLOCATIONS

The act transfers funds from the Tobacco and Health Trust Fund for the programs and purposes shown in Table 8.

Table 8: Tobacco and Health Trust Fund Allocations

Agency	Program/Purpose	FY 16	FY 17
DPH	Adult asthma program, within the easy breathing program	\$150,000	\$150,000
	Children’s asthma program, within the easy breathing program	250,000	250,000
	Connecticut Coalition for Environmental Justice: Asthma Outreach and Education Program	150,000	150,000
DDS	Implementing recommendations from a study of support services for individuals with autism and their families	750,000	750,000

§ 40 — BETHLEHEM ANIMAL CONTROL

For FY 16, the act authorizes a one-time grant of up to \$50,000 from the Department of Agriculture’s (DoAg) animal population control account to Bethlehem to fund its FY 16 animal control expenses.

§ 41 — OVERTIME REDUCTIONS

The act requires the OPM secretary to recommend \$10.5 million in overtime spending reductions each year for FY 16 and FY 17.

§§ 44 & 51 — SMART START COMPETITIVE GRANT ACCOUNT TRANSFERS

The act transfers money disbursed from the Tobacco Settlement Fund to the smart start competitive grant account to other agencies for specified purposes.

In FY 16, the act transfers \$150,000 of such funds to the state comptroller for a grant to UConn to conduct an Early Childhood Regression Discontinuity study in FY 16.

In FY 17, the act transfers up to \$2,000,000 of such funds to SDE for grants to local and regional boards of education to reimburse costs they incurred in implementing, by July 1, 2017, a kindergarten entrance inventory to measure children’s kindergarten preparedness.

§ 45 — ACHIEVEMENT GAP STUDY

The act requires \$50,000 of SDE funds carried forward from FY 15 (see Table 4) to be made available for a grant to the Metropolitan Center for Research on Equity and the Transformation of Schools at New York University for data and analysis on the achievement gap of African American, Latino, and poor children in Connecticut.

The center must annually report on the analysis, including any related policy recommendations, to the (1) achievement gap task force, (2) Interagency Council for Ending the Achievement Gap, (3) SDE commissioner, and (4) Education and Appropriations committees.

§ 46 — PROBATE COURT ADMINISTRATION FUND RECEIVABLES

For FY 16 and FY 17, the act allows the Judicial Department, in consultation with the OPM secretary, to establish receivables for anticipated revenue for the Probate Court Administration Fund.

§ 47 — CONNECTICUT INSTITUTE FOR CLINICAL AND TRANSLATION SCIENCE

The act transfers \$1 million in FY 16 and FY 17 from the Biomedical Research Trust Fund to the UConn Health Center to support the Connecticut Institute for Clinical and Translational Science. The institute must use \$250,000 of the \$1 million to conduct breast cancer research.

§ 48 — JOHN DEMPSEY HOSPITAL FRINGE BENEFIT DIFFERENTIAL

For FY 16 and FY 17, the act requires the state comptroller to pay the difference, up to \$13.5 million per fiscal year, between the state fringe benefit rate for John Dempsey Hospital employees and the average rate for private Connecticut hospitals from the appropriations for State Comptroller Fringe benefits.

§ 49 — BOARD OF REGENTS FOR HIGHER EDUCATION (BOR) AND UCONN ADMINISTRATIVE COSTS CAPS

For FY 16 and FY 17, the act caps the amount BOR and UConn may spend on administrative costs at 7.25% and 3.35%, respectively, of their annual General Fund appropriations and operating fund expenditures, excluding capital bond and fringe benefits funds.

Under the act, the cap applies to expenditures for system office, executive management, fiscal operations, and general administration, and excludes expenditures for logistical services and administrative computing and development.

§ 50 — MUNICIPAL HEALTH DEPARTMENTS AND HEALTH DISTRICTS

For FY 16, the act requires the public health commissioner to proportionately reduce payments to full-time municipal health departments and health districts by a total of \$234,000.

§§ 52-54 — FY 15 DEFICIENCY APPROPRIATIONS AND REDUCTIONS

General Fund

The act (1) appropriates a total of \$121,651,000 from the General Fund to cover deficiencies in various state agencies and programs for FY 15, as shown in Table 9, and (2) reduces appropriations to various state agencies and programs for FY 15 by the same amount, as shown in Table 10.

Table 9: FY 15 General Fund Appropriations

Agency	For	Total
Department of Emergency Services and Public Protection	Personal services	\$3,680,000
DoAg	Personal services	341,000
DSS	Medicaid	82,000,000
Department of Correction	Personal services	3,830,000
Public Defenders Services Commission	Personal services	4,600,000
State Comptroller	Adjudicated claims	10,200,000
	Retired State Employees Health Service Cost	17,000,000
TOTAL		121,651,000

Table 10: FY 15 General Fund Reductions

Agency	For	Total
DDS	Personal services	(\$7,548,000)
DSS	Personal services	(2,000,000)
UConn	Operating expenses	(7,388,000)
UConn Health Center	Operating expenses	(4,183,000)
BOR	Community Tech College System	(1,780,000)
	Connecticut State University	(4,391,000)
	Transform CSCU	(1,150,000)
Treasurer	Debt service	(88,141,000)
State Comptroller	Unemployment compensation	(432,000)
	Higher Education Alternative Retirement System	(906,000)
	Insurance-Group Life	(432,000)
	Employers Social Security Tax	(2,500,000)
Department of Administrative Services	Workers' Compensation Claims	(800,000)
TOTAL		(121,651,000)

STF

The act appropriates a total of \$20.4 million from the STF to cover deficiencies in various state agencies and programs for FY 15, as shown in Table 11.

Table 11: FY 15 STF Appropriations

Agency	For	Total
DOT	Personal services	\$13,600,000
	Rail operations	4,400,000
State Comptroller	State Employees Health Service Cost	2,400,000
TOTAL		20,400,000

EFFECTIVE DATE: Upon passage

§ 55 — TRANSFERS TO THE GENERAL FUND

The act transfers a total of \$8.5 million from various sources to the General Fund for FY 15, as shown in Table 12.

Table 12: FY 15 Transfers to the General Fund

Source	Amount Transferred
Private Occupational School Student Protection Account	\$2,500,000
Citizen's Election Fund	2,250,000
Judicial Data Processing Revolving Fund	750,000
School Bus Seat Belt Account	3,000,000

EFFECTIVE DATE: Upon passage

§§ 56-64 — REVENUE ESTIMATES

The act adopts revenue estimates for FY 16 and FY 17 for appropriated state funds as shown in Table 13.

Table 13: Revenue Estimates for FY 16 and FY 17

Fund	FY 16	FY 17
General Fund*	\$18,177,957,470	\$18,739,126,722
STF*	1,468,100,000	1,613,200,000
Mashantucket Pequot and Mohegan Fund	61,800,000	61,800,000
Regional Market Operation Fund	1,100,000	1,100,000
Banking Fund	30,000,000	30,200,000
Insurance Fund	79,950,000	81,400,000
Consumer Counsel and Public Utility Control Fund	27,000,000	27,300,000
Workers' Compensation Fund	39,827,000	40,638,000
Criminal Injuries Compensation Fund	2,900,000	3,000,000

*PA 15-5, JSS (§§ 496-497) changes the net revenue estimates for the General Fund and the STF.

§§ 65-70 — INCOME TAX

§ 65 — Military Retirement Income

The act fully exempts federally taxable military retirement pay from the state income tax. Prior law exempted 50% of this retirement pay. The exemption applies to federal retirement pay for retired members of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, and Army and Air National Guard.

EFFECTIVE DATE: July 1, 2015 and applicable to tax years beginning on or after January 1, 2015.

§ 66 — Marginal Rate Increases

The act increases marginal income tax rates for those with taxable incomes over (1) \$500,000 for joint filers, (2) \$250,000 for single filers and married people filing separately, and (3) \$400,000 for heads of household. It does so by (1) increasing the 6.7% marginal tax rate to 6.9% and (2) adding a seventh, higher-income tax bracket subject to a 6.99% marginal tax rate. It also increases the flat income tax rate for trusts and estates from 6.7% to 6.99%.

Table 14 shows the marginal tax rates and income brackets under prior law and the act.

Table 14: Tax Brackets and Rates under Prior Law and PA 15-244 by Filing Status

Single and Married Filing Separately			
Prior Law		PA 15-244	
Brackets	Rate	Brackets	Rate
\$0-\$10,000	3.00%	\$0-\$10,000	3.00%
10,000-50,000	5.00%	10,000-50,000	5.00%
50,000-100,000	5.50%	50,000-100,000	5.50%
100,000-200,000	6.00%	100,000-200,000	6.00%
200,000-250,000	6.50%	200,000-250,000	6.50%
Over 250,000	6.70%	250,000-500,000	6.90%
		Over \$500,000	6.99%
Head of Household			
Prior Law		PA 15-244	
Brackets	Rate	Brackets	Rate
\$0-\$16,000	3.00%	\$0-\$16,000	3.00%
16,000-80,000	5.00%	16,000-80,000	5.00%
\$80,000-160,000	5.50%	80,000-160,000	5.50%
160,000-320,000	6.00%	160,000-320,000	6.00%
320,000-400,000	6.50%	320,000-400,000	6.50%
Over \$400,000	6.70%	400,000-800,000	6.90%
		Over 800,000	6.99%
Married Filing Jointly			
Prior Law		PA 15-244	
Brackets	Rate	Brackets	Rate
\$0-\$20,000	3.00%	\$0-\$20,000	3.00%
20,000-100,000	5.00%	20,000-100,000	5.00%
100,000-200,000	5.50%	100,000-200,000	5.50%
200,000-400,000	6.00%	200,000-400,000	6.00%
400,000-500,000	6.50%	400,000-500,000	6.50%
Over 500,000	6.70%	500,000-1,000,000	6.90%
		Over 1,000,000	6.99%

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2015.

§ 66 — Benefit Recapture

By law, taxpayers whose annual Connecticut adjusted gross income (CT AGI) exceeds specified thresholds are subject to “benefit recapture,” a requirement that eliminates the benefit they receive from having a portion of their taxable income taxed at lower marginal rates. Recapture is triggered by specific income thresholds. The thresholds, as well as the recapture amounts and recapture limits, vary by filing status.

The act revamps the benefit recapture schedule to reflect the new marginal rates and income tax brackets. Table 15 shows the schedule under prior law.

Table 15: Benefit Recapture Schedule under Prior Law by Filing Status

Filing Status	Income Threshold Triggering Benefit Recapture	Recapture Amount	Maximum Recapture Amount
Single and Married Filing Separately	\$200,000	\$75 for each \$5,000 of income by which CT AGI exceeds threshold	\$2,250
Head of Household	320,000	\$120 for each \$8,000 of income by which CT AGI exceeds threshold	3,600
Married Filing Jointly	400,000	\$150 for each \$10,000 of income by which CT AGI exceeds threshold	4,500

As Table 16 shows, the act adds a second income threshold for each filing status and establishes new recapture amounts.

Table 16: Recapture Schedule under PA 15-244 by Filing Status

Filing Status	Income Threshold Triggering Benefit Recapture	Recapture Amount	Maximum Recapture Amount
Single and Married Filing Separately	\$200,000	\$90 for each \$5,000 of income by which CT AGI exceeds threshold	\$2,700
	500,000	\$50 for each \$5,000 of income by which CT AGI exceeds threshold	450
Head of Household	320,000	\$140 for each \$8,000 of income by which CT AGI exceeds threshold	4,200
	800,000	\$80 for each \$8,000 of income by which CT AGI exceeds threshold	720
Married Filing Jointly	400,000	\$180 for each \$10,000 of income by which CT AGI exceeds threshold	5,400
	1,000,000	\$100 for each \$10,000 of income by which CT AGI exceeds threshold	900

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2015.

§§ 67 & 68 — Delay in Scheduled Income Tax Reductions for Single Filers

The act delays scheduled income tax reductions for single filers by one year. It does so by delaying increases in (1) AGI exempt from the tax and (2) income thresholds for phasing out personal exemptions

and credits.

Personal Exemption. Under prior law, the maximum personal exemption for single filers was set to increase from \$14,500 to \$15,000 on January 1, 2015. The act instead reverts to the \$14,500 exemption for an additional year, through the 2015 tax year.

By law, the personal exemption amounts gradually phase out at higher income levels until they are completely eliminated. The act delays the scheduled increase in the personal exemption reduction threshold, from \$29,000 to \$30,000, to correspond to the delay. (The income tax personal exemption is reduced by \$1,000 for each \$1,000 of AGI over the specified threshold.)

Personal Credit. The act delays by one year scheduled increases in income ranges that allow single filers to qualify for personal credits against their income tax. Personal credits range from 1% to 75% of tax liability, depending on AGI. Filers with AGIs above specified thresholds do not qualify for a credit. Table 17 shows the qualifying personal credit income ranges for single filers under prior law and the act.

Table 17: Personal Credits for Single Filers

Income Ranges for Personal Credit Against the Income Tax	Applicable Tax Years	
	Prior Law	The Act
\$14,500-\$62,500	2014	Through to 2015
15,000-64,500	2015 and after	2016 and after

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2015.

§ 69 — Earned Income Tax Credit (EITC)

The act delays by two years the scheduled increase in the EITC. Under prior law, the EITC was scheduled to increase to 30% for the 2015 tax year. The act instead maintains it at 27.5% for two more years, through the 2016 tax year.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2015.

§ 70 — Property Tax Credit Reduced

Beginning in the 2016 income year, the act reduces, from \$300 to \$200, the maximum property tax credit against the personal income tax. By law, the percent of paid property taxes taxpayers can take as a credit declines as income increases until it completely phases out. The income level at which the percent reduction begins varies by filing status. As Table 18 shows, the act begins phasing out the credit sooner by reducing the levels triggering the phase-out.

Table 18: Property Tax Credit Reduction Levels by Filing Status

Filing Status	Tax Year	Income Levels Triggering Credit Reduction	
		Prior Law	Act
Single	2015	\$64,500	\$47,500
	2016 and thereafter	Same as above	49,500
Married Filing Separately	2015 and thereafter	50,250	35,250
Head of Household	2015 and thereafter	78,500	54,500
Married Filing Jointly	2015 and thereafter	100,500	70,500

EFFECTIVE DATE: July 1, 2015 and applicable to income years commencing on or after January 1, 2015.

§§ 71-77 & 222 — SALES AND USE TAX

§§ 72 & 73 — *Luxury Tax Rate Increase*

The act increases, from 7% to 7.75%, the sales and use tax rate on specified luxury items. By law, the rate applies to the full sales price of motor vehicles (with certain exceptions) costing over \$50,000; real or imitation jewelry costing over \$5,000; and clothing, footwear, handbags, luggage, umbrellas, wallets, and watches costing over \$1,000.

EFFECTIVE DATE: July 1, 2015 and applicable to sales occurring on or after that date. (PA 15-5, JSS (§ 132) makes the sales tax rate change effective upon passage and applicable to sales occurring on or after October 1, 2015.)

§ 74 — *Regional Planning Incentive Account*

By law, the Department of Revenue Services (DRS) commissioner must deposit in the Regional Planning Incentive Account (1) 6.7% of the revenue generated by the hotel tax and (2) 10.7% of the revenue generated by the rental car tax. The act eliminates this requirement for calendar quarters ending July 1, 2016 and prior to July 1, 2017, thus redirecting these revenue flows to the General Fund in FY 17.

The hotel tax rate is 15% and the rental car tax rate is 9.35%. By law, the OPM secretary uses the revenue from these taxes that is deposited in the account to fund (1) annual grants to regional councils of government and (2) grants awarded under the regional performance incentive program.

EFFECTIVE DATE: Upon passage and applicable to sales on or after October 1, 2015 and sales of services that are billed to customers for a period that includes October 1, 2015.

§ 74 — *Sales Tax Revenue Diversion*

The act requires the DRS commissioner to direct a portion of the 6.35% sales tax revenue to MRSA and the

STF, according to the schedule shown in Table 19. (PA 15-5, JSS (§132) delays the revenue diversion schedule.)

Table 19: Sales Tax Revenue Diverted to MRSA and STF

Calendar Quarters Ending On or After	MRSA (% of 6.35% sales tax revenue)	STF (% of 6.35% sales tax revenue)
December 31, 2015 but prior to July 1, 2016	4.7	4.7
July 1, 2016 but prior to July 1, 2017	6.3	6.3
July 1, 2017	7.9	7.9

EFFECTIVE DATE: Upon passage and applicable to sales occurring on or after October 1, 2015 and sales of services billed to customers for a period that includes October 1, 2015.

§§ 74-76 — *Computer and Data Processing Services*

The act increases the sales and use tax rate on computer and data processing services from (1) 1% to 2% on October 1, 2015 and (2) 2% to 3% on July 1, 2016. For such services sold on or after October 1, 2015, the act exempts services performed by an entity for one of its affiliates (i.e., a person who directly or indirectly owns, controls, or is owned or controlled by, or is under common ownership or control with another person). PA 15-5, JSS (§§ 132 & 516) repeals these changes, thus maintaining the 1% sales and use tax on computer and data processing services.

The act extends the (1) sales and use tax to include the creation, development, hosting, and maintaining a website and (2) use tax to internet service access. PA 15-5, JSS (1) delays, from July 1, 2015 to October 1, 2015, the extension of the sales tax to the specified website tasks (§§ 133 & 134) and (2) restores the use tax exemption for internet service access (§ 516).

EFFECTIVE DATE: For the sales tax on computer and data process services, upon passage and applicable to sales occurring on our after October 1, 2015 and services billed to customers that include that date; for the use tax on such services, October 1, 2015 and applicable to sales occurring on or after October 1, 2015 and sales of services billed to customers for a period that includes October 1, 2015; and for the extension of the sales and use tax to website and internet access service, July 1, 2015 and applicable to sales occurring on or after July 1, 2015 and sales of services billed to customers for a period that includes July 1, 2015.

§§ 71, 75, 77 & 219 — *Sales Tax Exemptions Eliminated and New Taxable Service*

The act (1) limits the exemption for clothing and footwear during the “sales-tax-free-week” to items

costing less than \$100, rather than \$300 and (2) eliminates the exemption for clothing and footwear costing less than \$50 that was scheduled to take effect on July 1, 2015.

The act eliminates the exemption for goods or services purchased by a water company to maintain, operate, manage, or control a pond, lake, reservoir, stream, well, or distributing plant or system that supplies water to at least 50 customers.

It also eliminates the exemption for parking in certain non-metered parking lots with 30 or more spaces. Prior law exempted two types of entities from collecting the tax for parking in such lots. It exempted employers that operate lots they own or lease for less than 10 years exclusively for their employees' use. (PA 15-5, JSS (§ 136) restores the exemption for these employer-operated lots.) Prior law also exempted from the tax lots operated by specific types of tax-exempt organizations that operate seasonal lots, specifically (1) the state and its political subdivisions; (2) federal tax-exempt nonprofit organizations; and (3) nonprofit charitable hospitals, nursing homes, rest homes, residential care homes, and certain acute-care hospitals.

Lastly, the act extends the sales and use tax to car washing services except those operated by coin. (PA 15-5, JSS (§ 136) eliminates this exemption.)

EFFECTIVE DATE: July 1, 2015 for (1) car wash and parking provisions which are applicable to sales occurring on or after July 1, 2015 and (2) sales of services billed to customers for a period that includes July 1, 2015.

§§ 78-82 — ALCOHOLIC LIQUOR POLICIES

§§ 78-80 — *Beer Growlers*

The act allows restaurant, café, and tavern alcohol permittees to sell, at retail, permittee-supplied and sealed containers of draught beer for off-premises consumption (i.e., growlers). In the case of a restaurant permittee, the act (1) additionally requires that the containers be filled by the permittee and (2) prohibits manufacturer, out-of-state shipper, and wholesale permittees from supplying the restaurant permittee with the authorized containers or any draught system component other than tapping accessories.

These retail sales are limited to (1) four liters of beer per day to any individual and (2) the authorized hours for off-premises alcohol consumption sales (see below).

§ 81 — *Package Store and Druggist Permits*

The act increases the number of package store or druggist liquor permits in which a person may have an

interest from (1) three to four on July 1, 2015 and (2) four to five on July 1, 2016.

§ 82 — *Expanding Days and Hours for Sales*

The act extends, by one hour each day, the allowable hours for alcohol sales for off-premises consumption by (1) package, drug, and grocery stores; (2) beer and beer and brew pub manufacturers; and (3) retailers selling gift baskets containing wine. These expanded hours also apply to package stores' on-premises offerings, tastings, classes, and demonstrations.

The act generally allows the sale and dispensing of alcohol for off-premises consumption on Sundays from 10:00 a.m. to 6:00 p.m., rather than 5:00 p.m., and any other day from 8:00 a.m. to 10:00 p.m., rather than 9:00 p.m. By law, permittees cannot sell or dispense alcohol for off-premises consumption on Thanksgiving Day, New Year's Day, or Christmas Day.

The act also extends, by one hour, from 9:00 p.m. to 10:00 p.m., the last hours during which farm winery manufacturer, nonprofit golf tournament, and farmers' markets wine sales permittees may sell or dispense alcohol or allow it to be consumed.

§§ 83-84 & 87-88 — CORPORATION INCOME TAX

§§ 83 & 84 — *Surcharge*

The act (1) extends the 20% corporation income tax surcharge that was set to expire after the 2015 income year for two additional years, to the 2016 and 2017 income years, and (2) imposes an additional, temporary 10% surcharge for the 2018 income year.

By law, the surcharge applies to corporations based on the amount of taxes they owe and the type of return they file. The act continues to exempt corporations that must pay the minimum \$250 tax from the surcharge. (By law, corporations must calculate their taxes using two methods and pay the greater amount. If that amount is \$250 or less, the corporation must pay \$250.) Prior law exempted corporations whose annual gross income was less than \$100 million, if they (1) were not part of a group of related corporations (unitary group) or (2) did not file a combined return with other affiliated corporations (combined group). The act continues the exemption for separate corporations grossing less than \$100 million but not for those that are taxable members of a combined group filing a combined, unitary return, a change that conforms to the act's other change requiring corporations to submit combined returns (see §§ 138-163).

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2015. (PA 15-5, JSS (§ 139) pushes back the effective date to

January 1, 2016, making the surcharge extension applicable to income years starting on or after that date.)

§ 87 — *Net Operating Loss (NOL)*

When the total value of a corporation's deductions exceeds its gross income for a tax year, the corporation incurs a NOL. The law allows a corporation to add these losses from previous years (i.e., carryforwards) to the loss it incurs in the current year, thus further reducing the taxes it owes. Under prior law, the amount of NOL carryforwards a corporation could deduct in an income year following a loss year was the lesser of:

1. any net income for the income year following the loss year, or, for companies with taxable income in other states, any net income apportioned to Connecticut or
2. the excess of NOL over the total net income for any prior income year.

Starting with the 2015 income year, the act limits the amount of NOL carryforwards corporations may deduct. Specifically, it retains the requirement that a corporation may deduct the lesser of the two above options but reduces the income in the first option to (1) 50% of the net income for the income year following the loss year or (2) if the corporation has taxable income in other states, 50% of the net income apportioned to Connecticut. The act retains the law's methods for the calculating net income for these purposes.

EFFECTIVE DATE: Upon passage

§ 88 — *Tax Credit Limit*

The law limits the extent to which corporations can use credits to reduce the amount of taxes they owed. Prior law limited the value of the credits to 70% of the taxes owed in any income year. Beginning in the 2015 income year, the act reduces this limit to 50.01%.

EFFECTIVE DATE: Upon passage

§ 85 — INSURANCE PREMIUM TAX CREDIT LIMIT

The act extends, to 2015 and 2016, the temporary cap on the maximum insurance premium tax liability that an insurer may offset through tax credits.

The caps are part of a structure that, by law, (1) classifies insurance premium tax credits into three types, (2) specifies the order in which an insurer must apply the three credit types to offset liability, and (3) establishes the maximum liability that an insurer can offset by claiming one or more of these types of credits.

By law, (1) type one credits are film and digital media production, entertainment infrastructure, and digital animation tax credits; (2) type two credits are insurance reinvestment credits; and (3) type three credits are all other tax credits. Table 20 shows the

order and reduction schedule under prior law and the act.

Table 20: Order and Reduction Schedule for Claiming Insurance Premium Tax Credits under Prior Law and the Act

Credit Types Claimed	Order of Applying Credits	Maximum Reduction in Tax Liability
Type 3	Not applicable	30%
Types 1 & 3	1. Type 3 2. Type 1	Type 3 = 30% Sum of both types = 55%
Types 2 & 3	1. Type 3 2. Type 2	Type 3 = 30% Sum of both types = 70%
Types 1, 2 & 3	1. Type 3 2. Type 1 3. Type 2	Type 3 = 30% Type 1 & 3 = 55% Sum of all types = 70%
Type 1 & 2	1. Type 1 2. Type 2	Type 1 = 55% Sum of both types = 70%

EFFECTIVE DATE: Upon passage and applicable to calendar years starting on or after January 1, 2015.

§ 86 — FILM AND DIGITAL MEDIA TAX CREDIT MORATORIUM

The act extends, to FY 16 and FY 17, the moratorium on issuing film and digital media production tax credits for certain motion pictures. Under prior law, the moratorium expired at the end of FY 15.

The moratorium bars the issuance of tax credit vouchers for motion pictures that were not designated as state-certified productions before July 1, 2013. It does not apply, however, to motion pictures that conduct at least 25% of their principal photography days at a Connecticut facility that (1) receives at least \$25 million in private investment and (2) opens for business on or after July 1, 2013.

Other types of qualified productions continue to be eligible for tax credits during FY 16 and FY 17, including documentaries; long-form, specials, mini-series, series, sound recordings, music videos, or interstitial television programming; relocated television productions; interactive television or games; videogames; commercials or infomercials; and any digital media format created primarily for public viewing or distribution.

EFFECTIVE DATE: Upon passage

§ 89 — HOSPITAL TAX CREDIT LIMIT

Hospitals pay taxes each calendar quarter based on their net patient revenue and may use the Urban Reinvestment Act tax credits they acquired to reduce the amount of taxes they owe (i.e., tax liability). Prior law placed no limit on the amount of credits hospitals could use to reduce their tax liability. For calendar quarters beginning on or after July 1, 2015, the act limits the amount by which hospitals can use credits for this purpose to 50.01% of that liability.

§ 90 — TOBACCO SETTLEMENT FUND DISBURSEMENTS

For FY 16 and FY 17, the act eliminates the \$12 million disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund. Beginning in FY 18, it reduces the disbursement to \$6 million per year, thus making permanent the temporary reduction to the disbursement made for FY 14 and FY 15.

The act also reduces, from \$10 million to \$5 million, the FY 16 and FY 17 disbursements from the Tobacco Settlement Fund to the Smart Start competitive grant account and transfers the funds to the General Fund.

Under the act, the canceled disbursements (\$17 million in both FY 16 and FY 17) are included in the amount transferred from the Tobacco Settlement Fund to the General Fund in FY 16 and FY 17 (§ 56).

§§ 91 & 92 — STF

§ 91- Petroleum Products Gross Earnings Tax Revenue Transferred to STF

Prior law required the comptroller to transfer quarterly, to the STF, specified amounts from the Petroleum Products Gross Earnings Tax. The act instead requires, for calendar quarters ending on or after September 30, 2015, the comptroller to deposit in the STF all such tax revenue.

It correspondingly eliminates laws:

1. specifying the annual amounts of the required transfers;
2. requiring the comptroller to transfer money from the General Fund to the STF to compensate for specified shortfalls in tax revenue and other legally required transfers to the STF; and
3. requiring the revenue services commissioner to (a) biennially calculate the amount of tax paid on gasoline sold in the prior fiscal year as a percentage of total tax revenue and (b) use this calculation to determine the amount of tax revenue to be transferred to the STF.

§ 92 – General Fund Transfers to the STF

The act eliminates statutorily required transfers from the General Fund to the STF scheduled for FYs 16 and 17 and annually afterwards. Specifically, it eliminates the transfer of \$152,800,000 in FY 16 and \$162,800,000 in FY 17 and subsequent years.

§ 93 — COMMUNITY INVESTMENT ACCOUNT (CIA)

From January 1, 2016 to June 30, 2017, the act diverts to the General Fund, on a quarterly basis, 50% of the funds deposited in the CIA. It requires any funds remaining in the account to be distributed according to existing law.

By law, the CIA is a separate, non-lapsing General Fund account that provides funding for open space, farmland preservation, historic preservation, affordable housing, and promoting agriculture.

EFFECTIVE DATE: January 1, 2016

§§ 94-98 & 181-182 — TRANSFERS TO THE GENERAL FUND

The act transfers funds from various sources to the General Fund, as shown in Table 21.

Table 21: Transfers to the General Fund

§§	Source	Amount (millions)	FYs
94 & 95	Connecticut Health and Education Facilities Authority	\$3.5	16 & 17
96 & 97	Public, Educational and Governmental Programming and Educational Investment Account (PEGPETIA)	4.2	16
		4.3	17
98	Municipal Video Competition Trust Account	3.0	16 & thereafter
181 & 182	Banking Fund	7.0	16 & 17

EFFECTIVE DATE: Upon passage, except the (1) PEGPETIA transfers for FY 16 and FY 17 are effective July 1, 2015 and July 1, 2016, respectively, and (2) municipal video competition trust account transfer is effective July 1, 2015.

§§ 99-102 & 221 — MEDICAL MARIJUANA FEES

Prior law credited all fees the Department of Consumer Protection (DCP) collected under its regulation of medical marijuana to the palliative marijuana administration account. The act eliminates the account and requires the fees to be credited to the General Fund.

§§ 103-106 — KENO

The act allows the Connecticut Lottery Corporation (CLC) to offer keno games, generally subject to the same requirements as other state lottery games, including those concerning lottery sales agents, advertisements, and prizes.

It allows the Office of Policy and Management (OPM) secretary, on behalf of the state, to enter separate agreements with the Mashantucket Pequot and Mohegan tribes concerning CLC's operation of keno. CLC may not introduce keno until such agreements are effective. (PA 15-5, JSS (§ 138) limits the total amount of gross keno revenue the state may give to a tribe under an agreement to 12.5% of that revenue after subtracting prize payments.)

The act defines "keno" as a lottery game where a subset of numbers are drawn from a larger field of numbers by a central computer system using an approved number generator, wheel system device, or other drawing device. Keno does not include games operated on a video facsimile machine (e.g., slot machine).

The act also specifies that CLC has the exclusive right to operate and manage the sale of all lottery games in Connecticut, except on the Mashantucket Pequot and Mohegan reservations.

§ 107 — RENTAL SURCHARGE

By law, the state imposes a surcharge on certain car, truck, and machinery rentals (3% for car and truck rentals and 1.5% for machinery rentals) and requires rental companies to remit the surcharge collected during the calendar year that exceeds the Connecticut property taxes and Department of Motor Vehicles (DMV) licensing and titling fees they paid on the vehicles and equipment.

The act limits the rental companies subject to the surcharge to people or businesses generating at least 51% of their total annual revenue from rentals, excluding retail or wholesale rental equipment sales. As under existing law, the surcharge applies to companies that (1) are in the business of renting cars, trucks, or machinery and (2) have a fleet of at least five cars, trucks, or pieces of machinery in Connecticut.

Under prior law, the 1.5% surcharge applied to rentals for 30 days or less of heavy construction, mining, and forestry equipment without an operator. The act expands it to cover (1) all equipment a rental company owns and (2) rentals for less than 365 days or an undefined period under an open-ended contract. It eliminates a provision specifying that the rental period for the equipment runs from the date the machinery is rented to the date it is returned to the rental company. As under existing law, the 3% surcharge continues to apply to car and truck rentals for 30 days or less.

By law, rental companies must annually report to DRS on (1) the aggregate amounts of personal property taxes paid to towns and registration and titling fees paid to DMV and (2) the aggregate amount of rental surcharges collected in the previous year on the rental machinery, along with any other information DRS

requires. The act requires them to report such information in a consolidated report.

§§ 108-111 — SALE AND MANUFACTURING OF ELECTRONIC CIGARETTES

Electronic Nicotine Delivery Systems and Vapor Products

Existing law bans (1) people from selling, giving, or delivering electronic nicotine delivery systems or products to minors and (2) minors from buying or possessing them in public. The act extends these prohibitions to cover electronic cigarette liquid. It does so by including these liquids within the definition of an electronic nicotine delivery system.

By law, an "electronic nicotine delivery system" is an electronic device used to simulate smoking while delivering nicotine or another substance to a person who inhales from it. Under existing law, delivery systems include electronic (1) cigarettes; (2) cigars; (3) cigarillos; (4) pipes; (5) hookahs; and (6) related devices, cartridges, or other components. The act expands this list to include electronic cigarette liquid used in such a delivery system or vapor product, which produces a vapor that may or may not contain nicotine and is inhaled by the system or product user.

Under existing law, a "vapor product" uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor the user inhales. The vapor may or may not include nicotine.

Dealer and Manufacturer Registration

Beginning March 1, 2016, the act requires electronic nicotine delivery system or vapor product dealers and manufacturers to register with DCP and annually renew their registration in order to sell or manufacture an electronic nicotine delivery system or vapor product. Under the act, a manufacturer is anyone who mixes, compounds, repackages, or resizes any nicotine-containing electronic nicotine delivery system or vapor product.

Application. Beginning January 1, 2016, anyone seeking a dealer or manufacturer registration or registration renewal must apply to DCP using a DCP-furnished form. The application must include (1) the applicant's name and address; (2) the business location; (3) a financial statement detailing any business transactions connected to the application; (4) the applicant's criminal convictions; and (5) proof that the business location will meet state and local building, fire, and zoning requirements. The act authorizes DCP to conduct an investigation to determine whether to issue an applicant's registration.

The DCP commissioner must issue the registration within 30 days after the application date unless he finds that the applicant (1) willfully made a materially false statement in the registration application or any other DCP-application, (2) owes state taxes, (3) was convicted of violating any state or federal cigarette or tobacco products tax laws, or (4) is not suitable because of his or her criminal record. The act prohibits the commissioner from denying a registration due to a prior conviction of a crime except as permitted by law.

Fees. The act requires applicants to pay a nonrefundable \$75 application fee and registered dealers and manufacturers to pay a \$400 annual fee. There is no application fee to renew a registration.

Dealer Posting Requirement. The act requires dealers to post their registrations in a prominent location next to the electronic nicotine delivery system products or vapor products they sell.

Transferability and Attachment. A registration is not transferable under the act, except it can transfer through a registrant's estate when he or she dies.

The act provides that a dealer or manufacturer registration is not property or subject to attachment and execution.

Partnerships. Under the act, if the registration is issued to a partnership and the partnership adds one or more new partners, it must submit a new application and pay new application and annual fees. If one or more of the partners dies or retires, the remaining partners do not need to file a new application or pay an additional fee for the registration's unexpired portion. But they must notify DCP of the change, and DCP must endorse the registration to reflect the correct ownership.

Late Renewals. DCP may renew an expired registration if the applicant pays both the annual fee and the standard late renewal penalty the commissioner may impose. By law, the penalty must equal 10% of the renewal fee and be at least \$10 and no more than \$100.

Dealers and manufacturers subject to administrative or court proceedings are not eligible for a late renewal.

Fines and Penalties for Violations. The act makes it illegal to manufacture, sell, offer for sale, or possess with intent to sell an electronic nicotine delivery system or vapor product without a manufacturer or dealer registration. The penalty for each knowing violation is a fine of up to \$50 per day. The commissioner may waive all or part of the fine if he is satisfied that the failure to obtain or renew the registration was due to reasonable cause.

Under the act, the penalty is an infraction with a \$90 fine, payable by mail without court appearance, for a manufacturer or dealer who operates up to 90 days after his or her license expires.

Prior to imposing a penalty, the act requires the DCP commissioner to notify the dealer or manufacturer of the violation and give 60 days to comply. He must

send the notice, within available appropriations, with a certificate of mailing or a similar U.S. Postal Service form that verifies the date on which it was sent. (A certificate of mailing is a receipt that provides evidence of the date that mail was presented to the U.S. Postal Service for mailing.)

Suspending or Revoking a Registration. DCP may, at its discretion, suspend or revoke a registration. Anyone aggrieved by a denial, suspension, or revocation may appeal by following the appeal process for liquor sale permits.

Public Hearing

The act requires the Public Health Committee to hold a public hearing within 30 days of any federal rule change subjecting tobacco products subject to the federal Food, Drug, and Cosmetic Act. The committee must determine if Connecticut law governing these products should be changed.

EFFECTIVE DATE: January 1, 2016, except the provision requiring the public hearing takes effect upon passage.

§§ 112-136 — DPH LICENSE RENEWAL FEES

The act (1) increases by \$5 license renewal fees for various DPH-licensed professionals, as shown in Table 22, and (2) directs the revenue generated to fund the professional assistance program for DPH-regulated professionals (currently, the Health Assistance InterVention Education Network (HAVEN)). By law, the program is an alternative, voluntary, and confidential rehabilitation program that provides support services to health professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental illness.

The DPH commissioner must (1) certify the amount of revenue received as a result of the fee increase each January, April, July, and October; (2) transfer it to the professional assistance program account, which the act establishes (see § 137); and (3) provide the funds to the professional assistance program.

Table 22: DPH License Renewals Subject to Fee Increase

§	License Renewal	Prior Fee	New Fee
112	Dentist	\$ 570	\$ 575
112	Optometrist	375	380
112	Midwife	15	20
112	Dental hygienist	100	105
112	Physician	570	575
112	Surgeon	570	575
112	Registered Nurse	105	110
112	Advanced Practice Registered Nurse	125	130
112	Licensed Practical Nurse	65	70
112	Nurse Midwife	125	130

§	License Renewal	Prior Fee	New Fee
112	Physical Therapist	100	105
112	Physical Therapist Assistant	60	65
112	Physician Assistant	150	155
112 & 120	Perfusionist	315	320
113	Nursing home administrator	200	205
114	Athletic trainer	200	205
115	Radiographer	100	105
116	Occupational therapist	200	205
116	Occupational therapy assistant	200	205
117	Alcohol and drug counselor	190	195
117	Certified alcohol and drug counselor	190	195
118	Licensed optician	200	205
119	Respiratory care practitioner	100	105
121	Psychologist	565	570
122	Marital and family therapist	315	320
123	Clinical social worker	190	195
123	Master social worker	190	195
124	Professional counselor	190	195
125	Veterinarian	565	570
126	Massage therapist	250	255
128	Dietician-nutritionist	100	105
129	Acupuncturist	250	255
130	Paramedic	150	155
131	Embalmer	110	115
131	Funeral director	230	235
131	Funeral services business inspection certificate	190	195
132	Electrologist	200	205
133	Audiologist	200	205
134	Hearing instrument specialist	250	255
135	Speech and language pathologist	200	205

(PA 15-5, JSS (§ 475) also increases, from \$565 to \$570, license renewal fees for podiatrists, chiropractors, and naturopathic physicians. Additionally, § 478 eliminates the five dollar fee increase for renewing a funeral home inspection certificate.)

EFFECTIVE DATE: July 1, 2015 (PA 15-5, JSS (§§ 474 & 479) changes the effective date from July 1, 2015 to October 1, 2015 and makes the above fee increases applicable to registration periods on or after that date.)

§ 137 — PROFESSIONAL ASSISTANCE PROGRAM ACCOUNT

The act establishes a professional assistance program account as a separate, nonlapsing General Fund account. It requires the DPH commissioner to use the account funds for the professional assistance program for DPH-regulated professionals.

§§ 138-163 — COMBINED REPORTING

Overview

Combined reporting refers to the way related companies must calculate and report their corporate income tax liability. Beginning with the 2015 income year, the act requires a company that is (1) a member of

a corporate group of related companies meeting certain criteria (i.e., combined group) and (2) subject to the Connecticut corporation tax (i.e., taxable member) to file a corporation income tax return based on the combined income or capital base of the group as a whole (i.e., combined reporting), rather than as a separate entity as generally required under prior law (i.e., separate entity reporting). Under the act, a company that is part of a combined group must compute its tax liability in this manner if the group is engaged in a “unitary business,” as defined in the act (see below). As such, the company must treat all of its affiliates as if they are one single company and combine all of their taxable income and capital base in a single pool, which is then apportioned to Connecticut for tax purposes. Prior law generally required companies to file as separate entities even if they were part of a broader group of corporations operating in other states, although it allowed or permitted a combined or unitary return under certain circumstances.

(PA 15-5, JSS (§ 139) instead requires corporations to implement combined reporting beginning with the 2016 income year.)

§ 138 — Combined Group and Unitary Business

The act specifies criteria for determining whether a company is part of a combined group and thus required to file a combined unitary tax return. Under the act, a combined group is a group of companies that (1) have common ownership, (2) are engaged in a unitary business (see below), and (3) have at least one member that is subject to the Connecticut corporation tax. Companies are considered to be under common ownership if the same entity or entities directly or indirectly own more than 50% of voting control over each of them. These entities’ owners do not have to be members themselves of the combined group. Indirect control must be determined according to the federal tax law. Combined group members include taxable members (i.e., companies subject to Connecticut corporation tax) and nontaxable members (i.e., companies not subject to Connecticut corporation tax, excluding those statutorily exempt from the tax).

The act defines a “unitary business” as a single economic enterprise that is interdependent, integrated, or interrelated enough through its activities to provide mutual benefit and produce significant sharing or exchanges of value among its entities or a significant flow of value among its separate parts. A unitary business can be either separate parts of a single entity or a group of separate entities under common ownership. The act establishes criteria for determining whether a unitary business relationship exists when a company conducts business through a partnership or S corporation (i.e., pass-through entities).

§ 140 — *Group Reporting Requirements*

Companies that are part of a combined group must generally determine their tax liability based on their share of the group's income and losses. The act requires combined groups to determine their membership on a water's edge basis (i.e., generally limited to members within the United States) unless they elect a (1) worldwide (i.e., including foreign members) or (2) "affiliated group" basis.

Water's Edge. Under the act, a water's edge basis means that a group must include the net income, capital base, and apportionment factors of its taxable and nontaxable members only if:

1. they are incorporated in, or formed under the laws of, the United States, any state, the District of Columbia, or a U.S. territory or possession, excluding members that have at least 80% of their property and payroll during the income year located outside such jurisdictions;
2. 20% or more of their property and payroll during the income year is located in the United States, any state, the District of Columbia, or a U.S. territory or possession; or
3. they are incorporated in a jurisdiction determined to be a "tax haven," as described below, unless the DRS commissioner is satisfied that the member is incorporated there for a legitimate business purpose.

(PA 15-5, JSS (§ 144) additionally requires such groups to include any member that earns more than 20% of its gross income, directly or indirectly, from intangible property or service-related activities, the costs of which generally are deductible for federal income tax purposes against the income of other group members (whether currently or over a period of time). Groups must include such members only to the extent of such gross income and its related apportionment factors.)

Under the act, a combined group must include in its combined unitary tax return members that are incorporated in a tax haven. A tax haven is a jurisdiction that:

1. has laws or practices preventing the effective exchange of information for tax purposes with other governments about taxpayers benefiting from the tax regime;
2. has a tax regime that lacks transparency;
3. facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;
4. explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime benefits or

prohibits enterprises benefiting from it from operating in the jurisdiction's domestic market; or

5. has created a tax regime favorable for tax avoidance, based on an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or services sector relative to its overall economy.

The act requires the DRS commissioner, by September 30, 2015, to publish a list of jurisdictions that he determines to be tax havens. The list applies to income years beginning on or after January 1, 2015 and remains in effect until the commissioner publishes a revised list. (PA 15-5, JSS (§ 144) delays this requirement by one year.)

Worldwide or Affiliated Group Election. Instead of determining the group's membership on a water's edge basis, the act allows the group's "designated taxable member" to do so on a worldwide or affiliated group basis. Under the act, the designated taxable member is (1) the group's common parent corporation, if it has one that is a taxable member or (2) a taxable member selected by the group or DRS commissioner. To make a worldwide or affiliated group election, the group's designated taxable member must do so on an original, timely filed tax return for an income year. The election is binding for the income year in which it is made and the following 10 years.

The DRS commissioner may select the designated taxable member at his discretion or, if the group does not select one according to the act's process for doing so, as described below.

If the designated taxable member chooses to determine the group's membership on an affiliated group basis, it must include all those members that are part of its affiliated group for federal tax purposes, plus:

1. domestic corporations that are commonly owned, directly or indirectly, by any member of the group, regardless of whether the group includes corporations (a) included in more than one federal consolidated return, (b) engaged in one or more unitary business, or (c) not engaged in a unitary business with any other affiliated group member; and
2. any member of the combined group, determined on a worldwide basis, incorporated in a tax haven, as described above. (PA 15-5, JSS (§ 144) specifies that such a member may be excluded from the affiliated group if the DRS commissioner is satisfied that the member is there for a legitimate business purpose.)

A group making an affiliated group election must include the net income or loss and apportionment factors of all its members subject to tax or that would be if they were conducting business in the state, regardless

of whether they are engaged in a unitary business.

Under federal tax law, an “affiliated group” is a group of corporations or corporate chains connected to the same parent corporation in which (1) one or more of the corporations included in the group directly owns at least 80% of the voting power and 80% of the total value of the common stock of each of the other included corporations and (2) their common parent directly owns at least 80% of the voting power and 80% of the total value of the common stock of at least one of the included corporations (IRC § 1504).

§§ 139 (i) & 142 — Calculating Corporation Tax Liability

By law, corporations must calculate their Connecticut corporation tax liability on the basis of both their net income and capital base and pay the higher of the two amounts. The act requires taxable members of combined groups to do the same based on the tax calculated on their apportioned net income and capital bases, as described below. Under the act, as under existing law, taxable members must pay a minimum tax of \$250 regardless of tax credits.

§§ 139 (a)-(e) & 149 — Net Income Basis

The act specifies how combined groups must determine and apportion to Connecticut their taxable income and adjust it for net operating losses.

§ 139 (a) — Determining the Group’s Total Income or Loss. When determining the total income or loss subject to apportionment for Connecticut corporation tax purposes, the combined group must include and aggregate the following for each of its taxable and nontaxable members derived from a unitary business:

1. For each group member incorporated in the United States, included in a consolidated federal corporate return, and filing a federal corporate income tax return, its gross income minus Connecticut corporation tax deductions as if it were not consolidated for federal tax purposes.
2. For each group member not included in a consolidated federal return but required to file its own return, its gross income minus Connecticut corporation tax deductions.
3. For each member incorporated outside the United States, not included in a federal consolidated return and not required to file its own federal return, the income determined from regularly maintained profit and loss statements for each foreign office or branch adjusted on any reasonable basis to conform to U.S. accounting standards and expressed in U.S. dollars. Reasonable alternative procedures

may be applied if the DRS commissioner determines that the reported income reasonably approximates the income determined under the Connecticut corporation tax law.

4. If the unitary business has income from a pass-through entity, the members’ direct and indirect share of that entity’s unitary business income.

The act establishes requirements for treating the following income and deductions in a unitary filing:

1. Dividends paid by one group member to another must be eliminated.
2. Business income from an intercompany transaction with another group member must be deferred as required under federal tax rules unless the (a) object of the transaction is sold or otherwise removed from the unitary business under specified conditions or (b) buyer and seller cease to be members of the same combined group.
3. Charitable expenses incurred by a group member may be deducted from the combined group’s net income, subject to federal income limits applicable to the entire group’s business income. If part of the deduction is carried over to a later year, it must be treated in that year as incurred by the same group member.
4. Capital gains and losses must be removed from each member’s net income and included in the combined group’s net income by (a) combining each class of gains or losses (e.g. short- or long-term capital gains or losses), without netting among such classes; (b) apportioning each class to members; and (c) applying the apportioned gains or losses to the income or loss of the Connecticut taxable members. If the capital loss is limited under federal law and a loss carryover is required, the loss must be treated in the year for which the carryover applies as incurred by the same member.
5. Expenses directly or indirectly attributable to federally tax-exempt income must be disallowed in determining the combined group’s net income.

§ 139 (b) & (c) — Income Apportionment Factors.

The act requires the taxable members of a combined group to apportion their net income and losses to Connecticut similar to the way multistate companies must apportion such income and losses under existing law.

By law, multistate companies subject to the Connecticut corporation tax must apportion their net income or loss using statutory apportionment formulas. Most companies must use a formula that combines the ratios of their property, payroll, and sales (receipts) in Connecticut to all their property, payroll, and sales.

However, some types of businesses, including manufacturers, broadcasters, and financial institutions, are allowed to use a single-factor apportionment formula based entirely on the ratio of their sales in Connecticut to all their sales.

In apportioning income or loss for the Connecticut corporation tax, the act requires each taxable member of a combined group to use the otherwise applicable Connecticut statutory apportionment percentage. It specifies how taxable members of the combined group must incorporate the property, payroll, and sales of nontaxable group members in the apportionment factors they use to apportion the group's income for purposes of the taxable members' Connecticut corporation tax liability. Under the act, each taxable member may apportion its net income according to these provisions as long as one group member is taxable in another state.

Under the act, though each taxable member's apportionment is based on the Connecticut apportionment formula that applies to that member, the taxable member must add a share of the nontaxable members' sales, property, and payroll factors as follows:

1. Each taxable member must add to its sales factor numerator a share of the aggregate sales of the groups' nontaxable members assignable to Connecticut. This share is the ratio of the taxable member's Connecticut sales to the Connecticut sales of all the group's taxable members.
2. The property and payroll factor denominators are the aggregate property and payrolls for the entire group, including taxable and nontaxable members, even if some group members are subject to single-factor apportionment (i.e., based on sales only).
3. Transactions between or among group members must be eliminated in determining the apportionment factors.

Once the applicable apportionment factors for each taxable member have been determined, they must be applied to the combined group's taxable income to determine each taxable member's net income or loss apportioned to Connecticut.

§ 149 — Investments in Connecticut Partnerships. By law, multistate corporations that invest in Connecticut partnerships or limited liability companies are subject to special apportionment provisions. Under these provisions, companies that are limited partners in Connecticut partnerships (other than investment partnerships) but are not otherwise doing business in Connecticut pay tax only on their distributive shares of the Connecticut-based partnership income. But if the DRS commissioner determines that the corporate limited partner and the partnership are parts of a unitary business engaged in a single business enterprise, the

corporation is generally taxed according to standard apportionment rules. The act extends this requirement to corporate limited partners that are members of a combined group filing a combined unitary tax return, thus requiring them to also apportion their income under such rules. (PA 15-5, JSS (§ 148) makes similar changes in how such corporate limited partners must apportion their capital base for corporation tax purposes.)

§ 139 (d) — Net Operating Loss (NOL). After each taxable member calculates its share of net income or loss apportioned to Connecticut, the act allows it to deduct its share of the group's NOL from that income.

It allows the following NOL carryovers:

1. For income years starting on or after January 1, 2015, if the combined group's net income computation results in a net operating loss, the taxable members can carry forward the share apportioned to Connecticut consistent with NOL carryover limits (see § 87). If the taxable member has more than one NOL carryover, it must apply them in the order they were incurred, deducting the older one first. The act allows a taxable member who has an NOL carryover derived from the combined group in an income year beginning on or after January 1, 2015 to share it with other taxable group members if they were part of the group when the loss was incurred. Any such sharing reduces the taxable member's original NOL carryover.
2. A taxable member can deduct an NOL carryover derived from either pre-January 1, 2015 losses or losses incurred before the taxable member joined the combined group and can share it with other members that were part of the same (a) combined group in the year the loss was incurred or (b) unitary group under the state's prior combined reporting law. (PA 15-5, JSS (§ 142) makes these provisions applicable for income years starting on or after January 1, 2016.)

§ 139 (e) — Calculating Net Income Tax Liability. After each member determines its net income, it must calculate its net income tax liability by multiplying its Connecticut apportioned net income or loss by the statutory corporation net income tax rate of 7.5%.

§ 139 (f)-(h) — Capital Stock Basis

As explained above, a combined group's taxable members pay taxes on their share of the group's net income or capital base, whichever is greater.

§ 139 (f) — Determining the Group's Capital Base. The act requires combined groups to determine their capital bases by combining their separate bases,

including those of their nontaxable members, generally as determined under existing law for nonfinancial companies (i.e., those that are not financial service companies). Under existing law, a nonfinancial company's capital base is the sum of the:

1. average value of issued and outstanding capital stock, including treasury stock at par or face value;
2. fractional shares, scrip certificates, and payments on subscriptions to capital stock;
3. surplus and undivided profit; and
4. surplus reserves.

The sum is reduced by the average value of (1) deficits and (2) private company stockholdings, including treasury stock.

Under the act, the combined group (1) must exclude intercorporate stockholdings from its capital base and (2) may not take the deduction for private company stockholdings. In calculating the combined capital base, a combined group must include a share of its nontaxable members' capital bases according to the ratio of the taxable members' Connecticut capital base to the combined Connecticut capital bases of all the group's taxable members.

Group members that are financial services companies must (1) calculate their capital base tax liability as required by existing law for such companies (i.e., \$250 per year) and (2) not be included in calculating the combined group's alternative capital base, as described above.

§ 139 (g) — Capital Base Apportionment. Existing law requires multistate companies subject to the Connecticut corporation tax to apportion their capital base to Connecticut based on a two-factor formula consisting of tangible property and intangible assets. The act requires combined groups to do the same for each of the taxable members included in the group's combined capital base calculation. Under the act, the taxable member must apportion its capital base to Connecticut according to the ratio of its Connecticut tangible property and intangible assets to the combined group's Connecticut tangible property and intangible assets.

§ 139 (h) — Calculating Capital Base Tax Liability. Each taxable member included in the group's combined capital base calculation must calculate its capital base tax liability by multiplying the (1) combined group's capital base, (2) member's apportionment ratio, and (3) statutory corporation capital base tax rate of 3.1 mills (per dollar of capital holdings). As under existing law, the maximum aggregate tax calculated under the capital base method is \$1 million. Under the act, if the aggregate amount of tax calculated on each taxable member's capital base exceeds \$1 million, each member must prorate its tax, in proportion to the group's tax calculated regardless of the \$1 million cap, such that the

group's aggregate additional tax equals \$1 million.

Under the act, as under existing law, financial service companies have a capital base tax liability of \$250 and may not use tax credits to reduce their tax liability.

§ 139 (j) — Tax Credits

The act requires each taxable member to separately apply its tax credits, but allows it to share tax credits and credit carryover with other taxable members under certain conditions. In determining the amount of credits it has available, each taxable member must separately apply (1) the statutory tax credit limit and (2) any refunded research and development (R&D) tax credits under the existing credit refund program for eligible small businesses.

The act allows a taxable member to share tax credits it earns beginning on or after the 2015 income year with other taxable members in the combined group. Any credit amount used by another taxable member reduces the amount of credit carryover available to the taxable member that originally earned it. If the taxable member has a credit carryover derived from an income year beginning on or after 2015, it may share the carryover credit with the group's taxable members as long as they were taxable members in the income year in which the credit was earned.

A taxable member with a credit carryover derived from an income year prior to 2015 or during which it was not a member of the combined group may (1) continue to use the carryover and (2) share it with other group members that were part of its combined or unitary group under prior law. Taxable members eligible to claim more than one corporation business tax credit in an income year must claim the credits according to the law that establishes the order for claiming corporation business tax credits. (PA 15-5, JSS (§ 143) makes these provisions applicable for income years starting on or after January 1, 2016.)

§ 141 — Deduction for Certain Publicly-Traded Companies (FAS 109 Deduction)

Beginning in the 2018 income year, the act allows certain publicly-traded companies to claim a deduction over a seven-year period if combined reporting triggers an increase in their net deferred tax liabilities or decrease in their net deferred tax assets. (PA 15-5, JSS (§ 145) additionally allows them to do so if combined reporting results in an aggregate change from a net deferred tax asset to a net deferred tax liability.) This deduction is referred to as a "FAS 109" deduction, based on a financial accounting and reporting standard for income taxes (Financial Accounting Standards No. 109, "Accounting for Income Taxes"). Under FAS 109,

a company that is required to issue financial statements must create a liability or asset for estimated taxes payable or refundable for the current year.

The act defines “net deferred tax liability” as deferred tax liabilities that exceed the combined group’s deferred tax assets. It defines “net deferred tax assets” as deferred tax assets that exceed the group’s deferred tax liabilities. Both must be determined according to generally accepted accounting principles (GAAP).

The deduction applies only to publicly-traded companies, including affiliated corporations participating in a publicly-traded company’s financial statements, prepared according to GAAP, as of June 30, 2015. From the 2018 to 2024 income years, such groups may deduct from their net income an amount equal to one-seventh of the amount necessary to offset the (1) increase in net deferred tax liability, (2) decrease in net deferred tax asset resulting from combined reporting, or (3) aggregate change thereof if the group’s net income changes from a net deferred tax asset to a net deferred tax liability. They must calculate the deduction (1) based on the impact of combined reporting regardless of the deduction, (2) regardless of its impact on federal taxes, and (3) without altering the tax basis of any asset. Any events that occur after the deduction is calculated, including the disposition or abandonment of assets, must not reduce it. They may carry forward any excess deduction to future income years until it is fully utilized.

Combined groups intending to claim this deduction must, by July 1, 2016, file a statement with the commissioner specifying the total amount of the deduction claimed. (PA 15-5, JSS (§ 145) delays this requirement to July 1, 2017.) The statement must (1) be made on a form and in a manner the commissioner prescribes and (2) contain any information or calculation the commissioner specifies. No deduction is allowed for any income year unless it is claimed by July 1, 2016.

The act specifies that its provisions do not limit the commissioner’s authority to review or redetermine the proper amount of any deduction claimed, whether claimed on the statement described above or on a tax return for any income year.

§ 156 — Annual Return

The act requires the combined group’s designated taxable member to file the unitary return and pay the tax on behalf of all its taxable members. To this end, the designated member may, on the taxable and nontaxable members’ behalf, (1) sign a unitary return, (2) apply for filing extensions, (3) agree to an examination or assessment of the return, (4) make offers of compromise and closing agreements regarding tax liability, and (5) receive refunds and credits for tax overpayments.

A combined group member whose income year is different from that of the rest of the group must report amounts from its return for its income year that ends during the “group income year.” Under the act, the “group income year” is (1) the designated taxable member’s income year or (2) if two or more members in the group file in the same federal consolidated tax return, the income year used on the federal return. No such reporting is required until the beginning of the member’s first income year starting on or after January 1, 2015. (PA 15-5, JSS (§ 149) delays this requirement to income years starting on or after January 1, 2016.)

The act allows the designated taxable member to recover the payments from the other taxable members and prohibits those members from holding the designated taxable member liable for the payments. However, each taxable member of the combined group is jointly and severally liable for the taxes plus any interest, penalties, or additions due from any other taxable member.

A combined group eligible to select a designated member must give the DRS commissioner written notice of the selection by the date the tax is due. The commissioner must approve any change in the designated member.

The act gives the commissioner the sole discretion to (1) send notices, make deficiency assessments, and provide tax refunds and credits to the designated member or any other group member and (2) require a unitary return to be filed electronically and any tax payment to be made by electronic funds transfer.

§ 162 — Estimated Tax and Safe Harbor

The act applies estimated tax requirements to taxable members of combined groups required to file unitary returns. It makes the designated taxable member responsible for paying the estimated tax installments.

By law, corporations must pay the following percentages of their annual taxes by the following dates: 30% by March 15, 40% by June 15, 10% by October 15, and 20% by December 15. The act extends the due dates for the first estimated tax payment for combined groups whose 2015 group income years start in (1) January or February to July 15, 2015 or (2) March to August 15, 2015. Such groups must pay 70% (i.e., a combination of the first and second payment) of the required annual payment on those dates.

Under the act, taxable members of combined groups required to file unitary returns are not subject to interest and penalties for underpaying estimated tax in 2015 if:

1. they pay estimated taxes equal to at least 90% of that shown on their unitary tax filing for the 2015 group income year or

2. the 2014 income year was a 12-month year, the taxable members of the combined group pay estimated taxes of 100% of the tax liability, before credits, shown on either their individual separate 2014 returns or their optional 2014 combined return, as applicable. (PA 15-5, JSS (§ 152) eliminates these estimated tax filing deadlines and safe harbor provisions.)

§§ 142-155, 157-161 & 163 — Previous Unitary and Combined Return Provisions and Conforming Sections

Prior law gave certain corporations the option of filing a unitary or combined tax return under certain circumstances. The unitary return was a single return for all members of a unitary group with substantial intercorporate business transactions among the group's corporations. The combined return was a single return for a group of affiliated corporations subject to Connecticut corporation income tax that filed a federal consolidated return. The DRS commissioner could require or permit groups that did not file consolidated federal returns to file a combined return if he determined that such a filing was necessary, because of intercompany transactions or some agreement or arrangement, to properly determine the group's corporation business tax liability.

The act eliminates these combined and unitary return provisions for income years starting on or after January 1, 2015. (PA 15-5, JSS (§ 150) delays this repeal by one year, to income years starting on or after January 1, 2016.)

It makes additional statutory changes to conform to the mandatory combined reporting requirements and the elimination of current combined and unitary return provisions. (PA 15-5, JSS (§§ 147, 150, 151, & 153) make additional changes to conform to the delayed implementation and repeal.)

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2015 (PA 15-5, JSS (§ 139) delays the effective date to January 1, 2016, and applicable to income years beginning on or after that date.)

§§ 164-169 — BUDGET RESERVE FUND (BRF) DEPOSITS

The act establishes a mechanism for diverting projected surpluses in certain tax revenues to the BRF. It applies to revenue (referred to as "combined revenue") from the (1) corporation income tax and (2) personal income tax's estimated and final payments (i.e., income tax revenue generated from taxpayers who make estimated income tax payments on a quarterly basis).

The act establishes a formula for calculating a threshold level, based on the average revenue from these two sources over 10 years, that forms the basis for the revenue diversions. It requires the state (1) comptroller to begin certifying the threshold in FY 20 and (2) treasurer to begin diverting the revenue in FY 21.

Threshold Level

Beginning in FY 20, the act requires the state comptroller to annually certify the threshold level for BRF deposits using a formula based on (1) a 10-year average of the state's combined revenue and (2) the rate of growth in combined revenue. Under the act, a "10-year average" is the average amount of combined revenue in the 10 fiscal years preceding a given fiscal year.

Formula. The comptroller must determine the threshold using a three-step calculation. The first step is to calculate the 10-year average for the current fiscal year.

The second step is to calculate the rate of growth in combined revenue over the preceding 10 years. To do so, the comptroller must:

1. calculate the 10-year average for each fiscal year preceding the current fiscal year;
2. calculate, for each of these years, the difference between the actual combined revenue for the given fiscal year and the 10-year average for that same fiscal year, divided by the 10-year average for that fiscal year ("differential"); and
3. take the average of these 10 differentials and add one to this average.

The last step is to multiply the two numbers derived from steps one and two. The threshold level for BRF deposits is the product of this multiplication.

Certifying and Reporting the Threshold Level. Beginning in FY 20, the act requires the comptroller to include a statement certifying the threshold level for the current fiscal year in the annual report he submits to the governor on the state's financial condition. By law, he must submit this report by September 30 and make a published copy available to the public by December 31.

The act requires the OPM secretary and OFA director to annually report the comptroller's certified threshold level by November 10, after adjusting for enacted laws projected to impact the estimated and final portion of the income tax or corporation income tax revenue by more than 1%. Presumably, the threshold is adjusted upward by the amount of a projected revenue increase and downward by the amount of a projected revenue decrease.

The OPM secretary and OFA director may (1) recalculate their threshold level adjustments to reflect any consensus revenue revisions in January and April

impacting these revenue sources (see BACKGROUND) and (2) continue making the adjustments (a) for up to 10 fiscal years following the implementation of the law that created the revenue impact or (b) until there is no longer a revenue impact of more than 1%, whichever comes first. They must report any such revisions in their January and April consensus revenue estimates and include information on how they (1) determined the revenue impact and (2) used that information to adjust the threshold level.

The act also requires the OPM secretary and OFA director to each report the estimated threshold level, using the act’s formula, for the three fiscal years following the current fiscal year.

State Budget Act and OFA Fiscal Notes. Beginning in FY 20, the act requires (1) consensus revenue estimates and the revenue statement included in the state budget act to itemize the withholding, estimated, and final payment components of personal income tax revenue and (2) the fiscal note on any bill impacting the personal or corporation income tax to clearly identify any impact to BRF deposits.

Required Transfers from the General Fund to the RGF and BRF

Beginning in FY 21, the act diverts, to the Restricted Grants Fund (RGF), projected surpluses in combined revenue based on January and April consensus revenue estimates (see below). The act requires the state treasurer to transfer the surpluses from the RGF to the BRF after the close of General Fund accounts each fiscal year. As with the BRF under existing law, the act authorizes the treasurer to invest all or part of the RGF in certain statutorily prescribed investments and directs her to credit all investment interest to the General Fund.

January. The act requires the state treasurer to transfer funds from the General Fund to the RGF if the January 15 consensus revenue estimate projects combined revenue for the current fiscal year that exceeds the threshold level. The treasurer must annually transfer the amount projected to exceed this level by January 31.

Under the act, there is no transfer if (1) combined revenue is projected to be less than or equal to the threshold level or (2) the consensus revenue estimate for the current fiscal year projects a year-end General Fund deficit.

April. The act requires the treasurer to adjust the amount diverted to the RGF in January based on the April 30 revised consensus estimate for combined revenue. It does so by requiring the state treasurer to transfer (1) additional funds from the General Fund to the RGF or (2) funds from the RGF back into the General Fund. In certain cases, it requires a transfer to

the RGF after the April 30 estimate even if no transfer was made in January.

As Table 23 shows, the transfer depends on whether the (1) January estimate was more or less than the threshold level and (2) April estimate (a) increases or decreases the January estimate or (b) is more or less than the threshold level. The treasurer must transfer the required amounts to or from the RGF annually by May 15. As with the January estimate, there is no transfer if the April 30 estimate for the current fiscal year projects a year-end General Fund deficit.

Table 23: Transfers Required Following April 30 Consensus Revenue Estimate

<i>January 15 Combined Revenue Projection</i>	<i>April 30 Combined Revenue Projection</i>	<i>Transfer Required Under the Act</i>
Exceeded the threshold level	Revised upward	Difference between January and April combined revenue projection must be transferred from the General Fund to RGF
	Revised downward but still more than the threshold level for deposits	Difference between January and April combined revenue projection must be transferred from RGF to the General Fund
	Revised downward to a level less than the threshold level for deposits	Difference between January combined revenue projection and the threshold level must be transferred from RGF to the General Fund
Less than or equal to the threshold level	Revised upward to a level exceeding the threshold level	Difference between April combined revenue projection and threshold level must be transferred from the General Fund to RGF
	Revised upward but remaining less than the threshold level	No transfer to RGF

Deficit Mitigation Plan. The act authorizes the governor to direct the treasurer to transfer money in the RGF to the General Fund as part of a required deficit mitigation plan. By law, the governor must submit a deficit mitigation plan to the Appropriations and Finance, Revenue and Bonding committees when the comptroller’s cumulative monthly financial statement projects a current year deficit of more than 1% of General Fund appropriations. (PA 15-5, JSS (§ 481) makes a technical change to this provision.)

Reducing or Eliminating Transfers to RGF or BRF. The act requires at least three-fifths of the members of the Appropriations and Finance, Revenue and Bonding committees to approve any act that, if passed, would reduce or eliminate the amount of any deposit to the BRF or RGF. It is unclear whether this provision is enforceable against future legislatures (see BACKGROUND).

BRF

Purpose. The act expressly provides that the BRF is to be maintained and invested to reduce revenue volatility in the General Fund and reduce the need for tax increases and state aid cuts due to changes in the economy.

Maximum Balance. The act increases the BRF’s maximum balance from 10% to 15% of net General Fund appropriations for the current fiscal year but appears to allow the balance to exceed 15% under certain circumstances. Specifically, if a required transfer to the BRF would cause the balance to exceed 15%, the act appears to allow such a transfer to be made in whole, thus causing the balance to exceed 15%. As under existing law, once the BRF reaches the maximum, the treasurer may not transfer additional funds to it. Any remaining funds must go towards (1) the State Employee Retirement Fund’s unfunded liability and (2) paying off outstanding state debt.

Authorized Use of Funds in the BRF. Beginning in FY 21, the act provides statutory authority for the legislature to transfer funds from the BRF to the General Fund in the three fiscal years following a fiscal year in which the April 30 consensus revenue estimate projects a 2% drop in General Fund tax revenue from the current fiscal year to the next fiscal year.

Directing BRF Transfers to Pay Unfunded Pension Liability. By law, any unappropriated surplus that remains after the BRF reaches its maximum balance must be used for paying the State Employee Retirement Fund’s unfunded liability. Beginning in FY 17, the act additionally earmarks for that purpose a percentage of any amount transferred to the BRF. The percentage depends on the BRF’s balance, as shown in Table 24.

Table 24: BRF Transfer Directed to Unfunded Pension Liabilities

<i>BRF's Balance as a % of Net General Fund Appropriations</i>	<i>Percentage of BRF Transfer Directed to State Employee Retirement Fund</i>
Less than 5%	5%
5% ≤ balance < 10%	10%
10% ≤ balance < 15%	15%

Reports to the Legislature and Governor

Beginning by December 15, 2024, and every five years thereafter, the act requires the OPM secretary, OFA director, and state comptroller to each report to the Finance, Revenue and Bonding Committee and the governor on the act’s BRF deposit formula and include any recommended changes to the formula or BRF cap that are consistent with the BRF’s purpose, as described above.

The reports must analyze the:

1. formula’s impact on General Fund tax revenue volatility,
2. adequacy of the formula’s required deposits to replace potential future revenue declines resulting from economic downturns,
3. amount of additional payments toward unfunded liability made as a result of the formula, and
4. adequacy of the BRF’s cap.

EFFECTIVE DATE: July 1, 2019

§ 170 — RESIDENT STATE TROOPER PROGRAM

Under prior law, a town participating in the resident state trooper program paid 70% of the regular cost of compensation, maintenance, and other expenses of troopers assigned to it. The act increases this percentage to 85% for the first two troopers assigned to the town and 100% for any additional troopers. In addition, by law, unchanged by the act, the town must pay 100% of the overtime costs and the portion of fringe benefits directly associated with such costs.

§ 171 — INSURANCE REINVESTMENT ACT PROGRAM CHANGES

Credit Cap Increase

The act increases the aggregate cap on Insurance Reinvestment Act tax credits by \$150 million, from \$200 million to \$350 million. It does not change the program’s \$40 million annual cap. The credits apply to the insurance premium tax, and insurers qualify for them by investing in eligible businesses through state-certified business investment funds, which prior law called “Insurance Investment Funds.” The act renames these funds “Invest CT Funds.”

Investment Goals

By law, companies managing funds must apply to the Department of Economic and Community Development (DECD) commissioner for certification as an Invest CT fund. In doing so, a fund must, among other things, commit to investing a portion of the funds’ capital in newly forming businesses (pre-seed) and green technology.

For funds seeking certification or credit allocations on or after September 1, 2015, the act increases, from 3% to 7%, the amount of capital the funds must invest in pre-seed businesses, but requires funds to meet this goal within four years after they received their credit allocation, rather than three years, as prior law required. The act continues to require funds to invest at least 25% of their capital in green technology businesses, but also creates two additional investment targets:

1. at least 25% of the funds' capital must be invested in businesses located in municipalities with more than 80,000 people (targeted area businesses) and
2. at least 3% of the funds' capital must be invested in cybersecurity businesses.

Under the act, cybersecurity businesses are those that primarily provide information technology products, goods, or services aimed at detecting, preventing, or responding to attacks on information technology systems or the information stored in or transiting such systems. The attacks include attempting to obtain unauthorized access to, exfiltration or manipulation of, or impairment to, the system's integrity, confidentiality, or availability.

The act makes changes to the requirements for claiming credits and distributing returns conforming to these new investment targets.

Leveraged Capital

By law, funds must obtain investments from other sources besides insurers (leveraged capital) before the DECD commissioner can certify a fund and allocate credits to it on behalf of its insurance company investors. For funds seeking certification on or after September 1, 2015, the act increases the share of such capital from 5% to 10% of the insurers' total investment.

Claiming Credits

By law, the tax credit equals 100% of an insurer's investment, but insurers must claim them over 10 years according to a statutory schedule. The act changes the schedule for claiming credits earned for investments made on or after September 1, 2015.

For credits earned on investments made on or before June 30, 2015, the insurer may begin claiming credits in the fourth year, claiming up to 10% per year in years four through seven and 20% per year in the last three years. For investments made on or after September 1, 2015, the insurer may begin claiming 20% of the credit starting in the sixth year and may continue claiming them at that annual rate until the 10th year. By law, the insurer may carry forward unused credits, but cannot transfer them to other taxpayers.

Performance Standards

By law, insurance investors' ability to claim credits depends on whether the fund meets its annual investment goals. The act resets the investment goals for funds awarded credit allocations after September 1, 2015. The changes align with the investment commitments funds must make when they apply for certification.

Under the act, a fund must have invested (1) at least 60% of its credit-eligible capital in eligible businesses within six years, instead of four, after the commissioner allocates the credit, and (2) at least 7% of its credit-eligible capital in pre-seed businesses within four years, instead of three years after the commissioner allocates the credit. The fund must also have invested at least 25% in targeted area businesses and 3% in cybersecurity businesses, but the act does not specify a date by which they must do so.

The act requires companies managing Invest CT funds to include information on these investments in their annual report to the commissioner.

Distributions

In addition to tax credits, insurance company investors receive a return on their investments (distributions). The act adds conditions a fund must meet before it can make a distribution.

The conditions for funds certified on or after September 1, 2015 align with the investment goals the act sets for them. Specifically, the fund must have invested at least 25% of its capital in target area businesses, 7% in pre-seed businesses, and at least 3% in cybersecurity businesses. As under prior law, it must also have invested (1) all of the credit-eligible capital in eligible businesses and (2) at least 25% of the capital in green technology businesses.

The act also requires, as a condition for distributions from funds certified on or before June 30, 2015, at least 3% of the funds' eligible capital to be invested in pre-seed businesses.

The act allows funds to distribute returns before they meet these investment targets under the same conditions that apply under current law.

Fund Decertification

The act extends the period during which the DECD commissioner may decertify a fund and cause it to forfeit future unclaimed credits. By law, the commissioner may decertify a fund if it fails to submit required reports, meet its investment targets, or comply with the distribution rules.

As under prior law, for funds receiving credit allocations on or before June 30, 2015, the act requires the fund to forfeit unclaimed credits if the commissioner decertifies it within four years after she allocated its credits and the fund failed to invest at least 60% of its capital. For funds receiving credit allocations on or after September 1, 2015, the act requires the fund to forfeit the credit if the commissioner decertifies it within the first six years of the credit allocation and the fund failed to meet the 60% investment goal.

EFFECTIVE DATE: July 1, 2015

§ 172 — AMBULATORY SURGICAL CENTER TAX

The act imposes a 6% gross receipts tax on DPH-licensed and Medicare-certified ambulatory surgical centers, facilities where surgery and related services take less than a day without subsequently requiring patients to be admitted to a hospital. (PA 15-5, JSS (§ 130) excludes from this tax (1) the first \$1 million of a center's gross receipts or (2) any portion of a center's gross receipts that constitute net patient revenue of a hospital subject to the hospital tax.)

The centers must remit the tax quarterly, beginning with the last quarter of 2015. This payment is due January 31, 2016 and each subsequent payment is due on the last day of the month preceding the quarter. Centers must file the return electronically and remit the tax by electronic funds transfer. Each return must identify the center's name and location, indicate the total gross receipts the center generated during the quarter, and provide any other information the DRS commissioner requires. (PA 15-5, JSS (§ 130) allows the centers to seek remuneration for the act's 6% tax.)

Centers that fail to remit the tax face a penalty equal to 10% of the taxes owed or \$50, whichever is greater, plus interest at 1% per month. The act gives the commissioner the same statutory enforcement powers he has to enforce admission and dues taxes.

Beginning in FY 16, the act authorizes the comptroller to record the revenue the tax generates each fiscal year no later than five business days after the end to the fiscal year.

EFFECTIVE DATE: October 1, 2015

§ 173 — FY 16 GENERAL FUND REVENUE

The act allows the comptroller to designate up to \$25 million of General Fund revenue for FY 16 as General Fund revenue in FY 17.

EFFECTIVE DATE: Upon passage

§§ 174 & 175 — ESTATE AND GIFT TAX CAP

The act puts a \$20 million cap on the maximum amount of (1) estate tax imposed on the estates of residents and nonresidents who die on or after January 1, 2016 and (2) gift tax imposed on taxable gifts donors make on or after January 1, 2016. (However, the effective date for the gift tax cap specifies that it takes effect one year sooner, on January 1, 2015.) The estate tax cap must be reduced by the amount of any gift taxes the decedent, the decedent's estate, or the decedent's spouse paid on taxable gifts made on or after January 1, 2016, but the reduction cannot exceed the tax due. By law, the estate and gift taxes apply to taxable estates and gifts that total more than \$2 million.

EFFECTIVE DATE: Upon passage and applicable to estates of decedents who die on or after January 1, 2016 and gifts made on or after January 1, 2015 (see above).

§§ 176-180 — CIGARETTE TAX

The act increases the cigarette tax in two steps, from (1) \$3.40 to \$3.65 per pack on October 1, 2015 and (2) \$3.65 to \$3.90 per pack on July 1, 2016.

It imposes a 25-cent "floor tax" on each pack of cigarettes that dealers and distributors have in their inventories at the earlier of the close of business or 11:59 p.m. on (1) September 30, 2015 and (2) June 30, 2016.

By November 15, 2015 and August 15, 2016, each dealer and distributor must report to DRS the number of cigarettes in its inventory as of September 30, 2015 and June 30, 2016, respectively, and pay the floor tax. If a dealer or distributor does not report by the due date, the DRS commissioner must estimate the number of cigarettes in the dealer's or distributor's inventory using any information the commissioner has or obtains. If this occurs, the dealer or distributor is subject to a penalty of 10% of the tax due or \$50, whichever is greater, plus interest of 1% per month.

Failure to file the report by the due date is grounds for DRS to revoke or not renew a cigarette dealer's or distributor's license and any other DRS-issued license or permit the person or entity holds. A dealer or distributor who willfully fails to file is subject to a fine of up to \$1,000, one year in prison, or both. A dealer or distributor who willfully files a false report can be fined up to \$5,000, sentenced to one to five years in prison, or both. Late filers are subject to the same interest and penalties that apply to other late cigarette tax payments, 10% of the tax due or \$50, whichever is greater, plus interest of 1% per month.

EFFECTIVE DATE: The (1) October 1, 2015 increase is effective on October 1, 2015 and applicable to sales occurring on or after that date, (2) July 1, 2016 increase is effective on July 1, 2016 and applicable to sales occurring on or after that date, and (3) floor tax takes effect upon passage.

§§ 183-205 — PAYMENT IN LIEU OF TAXES (PILOT) PROGRAM

Eligible Property and Reimbursement Rates

By law, the state makes annual PILOT payments to municipalities to reimburse them for a part of the revenue loss from tax-exempt (1) state-owned property, Indian reservation and trust land, and municipally owned airports ("state, municipal, or tribal property") and (2) private nonprofit college and hospital property ("college and hospital property"). The PILOTs are

based on (1) a specified percentage of taxes that each municipality would otherwise collect on the property and (2) the amount the state appropriates for the payments.

Beginning in FY 17, the act ends the existing PILOT programs for such properties and requires the PILOTs to be paid under a new consolidated program. The new program reimburses municipalities for the same types of property, at the same reimbursement rates, using the same application and payment process as the existing programs. As under existing law, the rate is (1) 45% for state-owned property; (2) 77% for college and hospital property; and (3) between 45% and 100% for other specified properties, as shown in Table 25.

Table 25: PILOT Rates for Specified Property Types under Existing Law and the Act

Type of Property	PILOT (% of lost tax revenue)
State, Municipal, or Tribal Property	
Correctional facility or juvenile detention center	100%
John Dempsey Hospital permanent medical ward for prisoners	100
Mashantucket Pequot reservation land (1) designated within 1983 settlement boundary and (2) taken into trust by the federal government for the Mashantucket Pequots on or after June 8, 1999	100
Land in any town where more than 50% of the land is state-owned	100
Connecticut Valley Hospital	65
Mashantucket Pequot reservation land (1) designated within the 1983 settlement boundary and (2) taken into trust by the federal government for the Mashantucket Pequots before June 8, 1999	45
Mohegan reservation land taken into trust by the federal government	45
Municipally owned airports	45
State-owned property	45
College and Hospital Property	
U.S. Department of Veterans Affairs Connecticut Healthcare Systems campuses	100
Private, nonprofit colleges and universities	77
Nonprofit general and chronic disease hospitals	77
Certain urgent care facilities	77

The act also retains the following PILOTs for municipalities that host specified properties or institutions:

1. \$100,000 to Branford for Connecticut Hospice,
2. \$1 million to New London for the U.S. Coast Guard Academy, and
3. an additional \$60,000 to Voluntown for state-owned forest land.

Eligible Municipalities

Under prior law, only towns and boroughs were eligible for state, municipal, and tribal property PILOTs. The act conforms the law to current practice by extending such PILOTs to cities, consolidated towns and cities, and consolidated towns and boroughs.

As under existing law, the act provides college and hospital property PILOTs to towns, boroughs, cities, consolidated towns and cities, and consolidated towns and boroughs, and village, fire, sewer, or combination fire and sewer districts, and other municipal organizations authorized to levy and collect taxes.

Prorated Grants

FY 17. Under prior law, the PILOTs were proportionately reduced if the amount appropriated was not enough to fund the full amount to every municipality or district. For FY 17, the act maintains this requirement, but adds two mitigating features. It (1) requires municipalities and districts to receive PILOTs that equal or exceed the reimbursement rates they received in FY 15 for such property and (2) establishes an additional PILOT grant, funded from the select PILOT account described below, for specified municipalities and districts. It enumerates the additional grant amount that these municipalities and districts must receive.

FY 18 and Thereafter. Beginning in FY 18, the act maintains the requirement that the PILOTs be proportionately reduced, but establishes a new method for doing so. It establishes minimum reimbursement rates for specific types of PILOT-eligible property, based on a municipality's mill rate, as described below. In addition, it requires that PILOTs for all other eligible properties (i.e., "qualified state, municipal, and tribal property" and "qualified college and hospital property") be proportionately reduced, but no lower than the reimbursement rate the municipality or district received in FY 15 for such property.

The act establishes minimum reimbursement rates for PILOTs on (1) "select state property" (i.e., the category of state-owned property reimbursed at 45%); and (2) "select college and hospital property" (i.e., private, nonprofit colleges and universities, nonprofit general and chronic disease hospitals, and certain urgent care facilities).

Under the act, OPM must rank each municipality based on (1) its mill rate and (2) the percentage of tax-exempt property on its 2012 grand list, excluding correctional and juvenile detention facilities. OPM must give boroughs and districts the same ranking as the municipalities in which they are located.

The act divides municipalities into three tiers based on this ranking and sets a minimum reimbursement rate for each tier, as shown in Table 26. It requires that the portion of the grants made to tiers one and two that exceeds the minimum reimbursement rate for tier three (i.e., 32% for college and hospital PILOTs and 24% for state property PILOTs) be paid from the select PILOT account.

Table 26: Minimum PILOT Reimbursement Rates

<i>Municipalities</i>	<i>Select College and Hospital Property</i>	<i>Select State Property</i>
Tier one: 10 municipalities with the highest percentage of tax-exempt property and a mill rate of at least 25	42%	32%
Tier two: Next 25 municipalities with a mill rate of at least 25	37%	28%
Tier three: All other municipalities	32%	24%

The act also specifies a procedure for reducing PILOTs beyond the minimum reimbursement rates in Table 26 if the amount appropriated for the grants and available in the select PILOT account (described below) is not enough to fund them. Under this procedure, OPM must proportionately reduce the select college and hospital property PILOTs so that the tier one and tier two grants are 10 percentage points and five percentage points greater than the tier three grants, respectively. Similarly, OPM must proportionately reduce the select state property PILOTs such that the tier one and tier two grants are eight percentage points and four percentage points greater than the tier three grants, respectively. It must pay the grants to tiers one and two that exceed the grants paid to tier three from the select PILOT account.

Select PILOT Account

The act requires OPM to fund certain PILOT grants from the select PILOT account, which the act establishes as a separate, nonlapsing General Fund account. It capitalizes the fund with sales tax revenue transferred from the municipal revenue sharing account, as specified below.

The act requires OPM to use the account to fund (1) the additional PILOT grants in FY 17 and (2) beginning in FY 18, the portion of PILOT grants paid to tiers one and two exceeding the reimbursement rates paid to tier three.

The act requires the account to contain any money legally required to be deposited into it.

Reporting Requirement

The act requires OPM, beginning by July 1, 2017, to annually report for four years to the Finance, Revenue and Bonding Committee on the PILOTs and include its recommendations for changes.

Mashantucket Pequot and Mohegan Fund Distribution

Prior law annually allocated a portion of the Mashantucket Pequot and Mohegan Fund to municipalities according to two statutory formulas linked to the state's PILOT distributions. It allocated:

1. \$20 million of the fund to municipalities so that each one received one-third of the difference between what it was eligible to receive as a state-owned property PILOT in the appropriate fiscal year and what it would have received if that PILOT grant program had been funded at \$85,205,085, subject to a minimum grant amount of \$1,667, and
2. \$20.1 million of the fund to municipalities according to the distribution formula for college and hospital PILOTs.

The act instead sets each municipality's distribution of the two pools of funds equal to the amount they received in total Pequot and Mohegan Fund distributions in FY 15. (However, the total amount of these distributions exceeds the \$40.1 million in the two pools.)

Under prior law, the Pequot and Mohegan Fund grants from these two formulas, when added to the grants municipalities received from the respective PILOT programs, could not exceed 100% of the property taxes the municipalities would have received from such property based on the grand lists for the fiscal year preceding the year in which the grants were payable. The act instead provides that the grants, when added to the newly consolidated PILOT grant, may not exceed such thresholds. Although it makes this change, and other conforming changes to the Pequot and Mohegan Fund grants to reflect the act's PILOT provisions, effective July 1, 2015, the new PILOT provisions do not take effect until July 1, 2016. EFFECTIVE DATE: July 1, 2016, except that the provisions sunsetting the current PILOT programs and modifying Mashantucket Pequot and Mohegan Fund grants are effective July 1, 2015.

§§ 206 & 208 — MOTOR VEHICLE PROPERTY TAX MILL RATES

Beginning with the October 1, 2015 assessment year, the act allows municipalities and special taxing districts to tax motor vehicles at a different rate than other taxable property, but caps the motor vehicle rate at (1) 32 mills for the 2015 assessment year and (2) 29.36 mills for the 2016 assessment year and thereafter. The act (1) applies to any town, city, borough, consolidated town and city, consolidated town and borough, and village, fire, sewer, or combination fire and sewer districts, and other municipal organizations authorized to levy and collect taxes and (2) supersedes any special act, municipal charter, or home rule ordinance.

The act further limits the motor vehicle mill rate special taxing districts and boroughs may impose by barring them from setting a rate that, if combined with the municipality's motor vehicle mill rate, would exceed

the capped rate. Presumably, a district or borough would set its motor vehicle mill rate after the municipality in which it is located does so.

It also makes a conforming change to a provision allowing municipalities with more than one taxing district to set a uniform citywide mill rate for taxing motor vehicles. Thus, a uniform citywide mill rate cannot exceed the capped rate.

EFFECTIVE DATE: October 1, 2015, and applicable to assessment years beginning on or after that date.

§§ 207 & 209 — MUNICIPAL REVENUE SHARING ACCOUNT (MRSA) DISTRIBUTIONS

Beginning in FY 16, the act requires the DRS commissioner to begin directing a portion of sales tax revenue to MRSA (see § 133 above). It requires OPM to distribute MRSA funds for municipal grant programs, including newly established motor vehicle property tax grants, municipal revenue sharing grants, and regional services grants for councils of government (COG).

Schedule for Disbursing MRSA funds

Under the act, OPM must transfer or disburse MRSA funds beginning in FY 16 in the amounts and order shown in Table 27.

Table 27: MRSA Distribution Schedule

<i>FY</i>	<i>MRSA Distributions</i>
16	\$10 million for education cost sharing (ECS) grants
17	\$10 million for ECS grants
	Amount sufficient to make grants payable from the select PILOT account
	Amount sufficient to make motor vehicle property tax grants to municipalities
	Amount sufficient to pay municipal revenue sharing grants as specified below
	\$3 million for regional services grants to COGs
18 and each year thereafter	Amount sufficient to make grants payable from the select PILOT account
	Amount sufficient to make motor vehicle property tax grants to municipalities
	\$7 million for regional services grants to COGs
	Any remaining amounts to provide municipal revenue sharing grants to municipalities according to a specified formula

The act eliminates the previous process for distributing MRSA funds, which required OPM to (1) provide manufacturing transition grants to municipalities and (2) distribute any remaining funds according to a specified municipal revenue sharing formula.

Motor Vehicle Property Tax Grants

Beginning in FY 17, the act requires OPM to distribute motor vehicle property tax grants to municipalities to mitigate the revenue loss attributed to the motor vehicle mill rate cap described above. Under the act, the FY 17 grant is equal to the difference

between the amount of property taxes a municipality levied on motor vehicles for the 2013 assessment year and the amount of the levy for that year at 32 mills. In FY 18 and thereafter, the grant is equal to this difference, based on the rate of 29.36 mills.

PA 15-5, JSS (§ 494) (1) limits these grants to municipalities with mill rates, or combined municipal and district mill rates, greater than (a) 32 mills in FY 17 or (b) 29.36 mills in FY 18 and annually thereafter, (2) increases the grant amounts to include the revenue loss attributed to districts that levied a property tax on motor vehicles for the 2013 assessment year, and (3) requires municipalities to disburse to districts the portion of the grant amount attributable to them.

Regional Services Grants

Beginning in FY 17, the act requires OPM to distribute regional services grants to COGs on a per capita basis, based on the most recent DPH population estimate. (PA 15-5, JSS (§§ 110 & 111) instead requires OPM to distribute the grants based on a formula determined by the OPM secretary.) Beginning in FY 18, the act requires each COG to get OPM approval of a spending plan for a grant in order to receive one grant.

The act requires COGs to use the grants (1) for planning purposes and (2) to achieve efficiencies in delivering municipal services on a regional basis, including regionally consolidating services. The act specifies that the efficiencies must not diminish the services' quality. A COG's council members must unanimously approve any grant expenditure.

The act also requires COGs, beginning by October 1, 2017, to biennially report to the Planning and Development and Finance, Revenue and Bonding committees (1) on how they have spent the grants and (2) with recommendations for expanding, reducing, or modifying them.

Municipal Revenue Sharing Grants

Beginning in FY 17, the act requires OPM to distribute municipal revenue sharing grants to municipalities. It explicitly authorizes municipalities to disburse any such grant funds to their special taxing districts.

Under the act, OPM must distribute the grants according to (1) specified amounts in FY 17 and (2) a newly established formula beginning in FY 18. (PA 15-5, JSS (§ 494) instead requires OPM to distribute the grants according to the (1) specified amounts in FY 17 and FY 18 and (2) formula beginning in FY 19.) OPM must proportionately reduce each municipality's grant amount if the total amount of grants for all municipalities exceeds available MRSA funds.

The formula for calculating each municipality's grant amount depends on its motor vehicle mill rate. As explained below, it gives more weight to municipalities with relatively high motor vehicle mill rates by setting a 25-mill threshold and basing the distribution on whether a municipality's motor vehicle mill rate is above or below that threshold.

Formula for Municipalities Below the Threshold. OPM must calculate grant amounts for municipalities below the 25-mill threshold using the act's per capita and pro rata formulas. A municipality's grant is the lesser of the per capita and pro rata distributions.

OPM must calculate each municipality's per capita distribution by multiplying the municipality's share of the state's total population (based on the most recent DPH population estimate) by the total amount of funds available for the revenue sharing grants.

OPM must calculate each municipality's pro rata distribution using a multi-step formula, as follows:

1. First, it must calculate a municipality's "weighted mill rate," which is its motor vehicle mill rate for FY 15 divided by the average FY 15 motor vehicle mill rate for all municipalities.
2. Next, it must multiply the municipality's weighted mill rate by its per capita distribution. (The act refers to the outcome of this step as the "municipal weighted mill rate calculation.")
3. OPM must then (1) divide the municipal weighted mill rate calculation by the sum of all municipal weighted mill rate calculations and (2) multiply the result by the total amount of funds available for the revenue sharing grants, thus yielding the municipality's pro rata distribution.

Formula for Municipalities At or Above the 25-mill Threshold. The formula for municipalities at or above the 25-mill threshold also begins by calculating the per capita and pro rata distributions, but OPM must select the greater of the two amounts and increase it based on a specified percentage. OPM must determine that percentage by:

1. subtracting the total pro rata grants for municipalities below the 25-mill threshold from the total per capita grants for such municipalities and
2. dividing the difference by the sum of the pro rata and per capita distributions for municipalities at or above the 25-mill threshold.

The act caps the grant amounts for specified municipalities. It caps Hartford's grant at 5.2% of the total amount of revenue sharing grants distributed, Bridgeport's at 4.5%, New Haven's at 2.0%, and Stamford's at 2.8%. OPM must redistribute any funds

remaining after determining these caps to all other municipalities with motor vehicle mill rates at or above the 25-mill threshold according to the pro rata distribution formula used to determine their initial grant amounts.

Grant Schedule. The act requires OPM to distribute the funds deposited in MRSA for municipal revenue sharing grants. It must distribute the funds deposited between (1) October 1 and June 30 on the following October 1 and (2) July 1 and September 30 on the following January 31. But it allows municipalities to apply to OPM on or after July 1 for an early disbursement. OPM may approve a municipality's application if it finds that the early disbursement is required to meet the municipality's cash flow needs. It must issue such disbursements annually by September 30.

Spending Cap. Beginning in FY 18, OPM must reduce the grant amount for those municipalities whose spending, with certain exceptions, exceeds a specified spending cap. Under the act, the spending cap is the greater of 2.5% or more or the inflation rate. Municipalities that increase their general budget expenditures over the previous fiscal year by a percentage over this cap receive a reduced revenue sharing grant. The reduction is generally equal to 50 cents for every dollar the municipality spends over the cap. However, for municipalities that taxed motor vehicles at more than 32 mills for the 2013 assessment year, the reduction may not exceed the difference between the amount of property taxes the municipality levied on motor vehicles for the 2013 assessment year and the amount the levy would have been had the motor vehicle mill rate been 32 mills. (PA 15-5, JSS (§ 494) eliminates the grant reduction limit for such municipalities.)

The act requires each municipality to annually certify to the OPM secretary, on an OPM-prescribed form, whether it has exceeded the spending cap and if so, the excess amount.

Under the act, municipal spending does not include expenditures:

1. for debt service, special education, or implementing court orders or arbitration awards;
2. associated with a major disaster or emergency declaration by the president or disaster emergency declaration issued by the governor under the civil preparedness law; or
3. for any municipal revenue sharing grant the municipality disburses to a special taxing district, up to the difference between the amount of property taxes the district levied on motor vehicles in the 2013 assessment year and the amount the levy would have been had the motor vehicle mill rate been 32 mills, for FY

17 disbursements, or 29.63 mills, for disbursements in FY 18 and thereafter. (PA 15-5, JSS (§ 494) (1) also excludes from the cap expenditures for any motor vehicle property tax grants disbursed to districts and (2) expands the exclusion for municipal revenue sharing grants to include the entire amount of these disbursements.)

The act defines “municipal spending” as the percentage growth in spending in the prior fiscal year, but uses the term only in describing the types of expenditures excluded from the cap.

Property Tax Statements. The act requires municipal tax collectors to include, as part of property tax bills, a statement informing taxpayers of the act’s spending cap penalty. The statement must be in the following form:

“The state will reduce grants to your town if local spending increases by more than 2.5% from the previous fiscal year.”

EFFECTIVE DATE: October 1, 2015, except the property tax statement provision is effective October 1, 2017 and applicable to assessment years beginning on or after October 1, 2017.

§ 210 — PILOT AND MUNICIPAL REVENUE SHARING GRANT REPORTING REQUIREMENT

The act requires OPM, by January 1, 2016, to report to the Planning and Development and Finance, Revenue and Bonding committees on the act’s PILOT and municipal revenue sharing grant provisions. OPM must include its recommendations for (1) enacting further legislation on these provisions, (2) making statutory changes that would help in implementing them, (3) adjusting grant amounts or formulas, and (4) improving and enhancing such provisions.

EFFECTIVE DATE: Upon passage

§§ 211-215 — OPTIONAL PROPERTY TAX BASE REVENUE SHARING PROGRAM

The act authorizes COGs to establish a property tax base revenue sharing program under which municipalities in their planning regions (1) tax commercial and industrial (C&I) property at a composite mill rate, based in part on the average mill rate in their regions, and (2) share up to 20% of the property tax revenue generated by the growth in their C&I property tax bases since 2013, which the act designates as the “base year.” The revenue sharing must be administered by an auditor elected by COG members.

The act allows a COG to implement the program only if its member municipalities unanimously authorize it to do so. It appears that COGs must decide whether to

participate by August 1, 2016 (the deadline by which they must elect an auditor to coordinate the program).

It allows COGs to establish the program beginning with the 2015 assessment year and, for those doing so, requires municipalities to begin, on or after January 1, 2017, annually remitting revenue sharing payments by February 1 for redistribution as described below.

Mill Rate

Growth in C&I Property Tax Base. In regions implementing the revenue sharing program, municipalities with growing C&I property tax bases are taxed at a composite rate determined according to the following formula (and a portion of the revenue generated by the growth is shared with the region’s other municipalities). Under the act, growth in a municipality’s C&I property tax base is the difference between the total assessed value of its C&I property for the current year and the total assessed value of its C&I property for the base year (“increase from base year”).

The act defines C&I property as real property used for:

1. selling goods or services, including nonresidential living accommodations, dining establishments, motor vehicle services, warehouses, distribution facilities, retail services, banks, office buildings, multipurpose buildings, commercial condominiums for retail or wholesale use, recreation facilities, entertainment facilities, airports, hotels, and motels; or
2. producing or fabricating durable and nondurable man-made goods from raw materials or compounded parts.

It includes the lot or land on which a building is situated and any accessory improvements, including pavement and storage buildings, but excludes any real property in an enterprise zone.

Municipal Commercial Industrial Mill Rate. The act requires municipalities in participating COGs that have had an increase in their C&I tax base from the base year to tax C&I property at a “municipal commercial industrial mill rate,” rather than their local mill rates. Municipalities with C&I tax bases that have not increased since the base year must tax C&I property using their local mill rates.

The municipal commercial industrial mill rate is calculated according to a formula that incorporates the average mill rate in the municipality’s planning region (“regional mill rate”) and the municipality’s mill rate for the following fiscal year (i.e., the mill rate effective July 1 of the current year). Although the act does not specify when the municipality must calculate this rate, presumably it would do so after finalizing its budget for the following year.

The mill rate is determined by dividing the sum of the following three amounts by the total assessed value of the municipality's C&I property for the current assessment year:

1. the revenue sharing percentage determined by the COG (i.e., 0.2 or less, as described below) multiplied by the (a) increase from the base year and (b) regional mill rate;
2. one, minus the revenue sharing percentage (i.e., 0.8 or more) multiplied by the (a) increase from the base year and (b) municipal mill rate for the following fiscal year; and
3. the total assessed value of C&I property for the base year ("municipal base value") multiplied by the municipal mill rate for the following fiscal year.

Revenue Sharing

Percentage. The municipalities in a planning region that implements the program must share a portion of the revenue generated by the growth in their C&I tax base. Each COG implementing the program must determine the revenue sharing percentage. That percentage, which must be 20% or less, is a variable in the formulas used to calculate the (1) municipal commercial industrial mill rate and (2) municipal contribution to the area-wide tax base, described below.

Municipal Contribution to the Area-Wide Tax Base. Starting January 1, 2017, each municipality in a participating COG must annually remit, by February 1, its property tax revenue sharing payment (i.e., its "municipal contribution to the area-wide tax base") to the administrative auditor (see below). The payment is a portion of the property taxes paid on the growth in the municipality's C&I tax base since 2013, based on the regional mill rate.

The municipality must calculate the payment amount by (1) multiplying its increase from the base year by the revenue sharing percentage, (2) dividing that number by 1,000, and (3) multiplying the result by the regional mill rate.

Municipal Distribution Index. By March 1, annually, the administrative auditor must distribute the property tax revenue sharing payments according to a distribution index based on municipal fiscal capacity ("municipal distribution index"). For each municipality, the index equals the municipality's population multiplied by a ratio measuring the average fiscal capacity in the region compared to the municipality's fiscal capacity.

Specifically, the ratio's numerator is the assessed value of all taxable real property and PILOT-eligible property in the planning region divided by the region's total population ("average fiscal capacity"). The denominator is the total assessed value of all taxable

real property and PILOT-eligible property in the municipality divided by the municipality's total population ("municipal fiscal capacity").

The auditor must distribute the revenue sharing payments in the same proportion as the municipality's municipal distribution index bears to the total of all municipal distribution indices in the region. In other words, if the municipality's fiscal capacity is the same as the regional average, its share of the funds will be the same as its share of the region's population. If its fiscal capacity is above the regional average, its share will be smaller. If its fiscal capacity is below the regional average, its share will be larger.

Municipalities must use the revenue sharing payments in the same way and for the same purposes for which they use real property tax revenue.

Administrative Auditor

The act requires each COG implementing the program to elect, from among its members, an administrative auditor to coordinate the program's property tax revenue sharing payments. The COG must elect the auditor by August 1, 2016 and in succeeding even-numbered years. If a majority of the COG's members cannot agree on an auditor, the OPM secretary must appoint one from among the members.

The auditor serves for two years and until the COG elects his or her successor. If he or she ceases to serve as a COG member during his or her term, a successor must be chosen to serve for the unexpired term, in the same manner in which the original auditor was chosen (i.e., by the COG or OPM secretary).

The auditor must use the planning region's staff and facilities. The COGs' member municipalities must reimburse it for the marginal expenses its staff incurs. Each municipality's share of the total expenses is prorated based on its share of the region's population. Annually, by February 1, the auditor must certify, to each municipality's treasurer or other fiscal officer, the amount of total expenses for the preceding calendar year and the municipality's share of the expenses. The treasurer or officer must pay such amount to the planning region's treasurer or fiscal officer by the following March 1.

EFFECTIVE DATE: October 1, 2015, and applicable to assessment years beginning on or after that date

§ 216 — ADMISSIONS TAX

From July 1, 2015 to June 30, 2017, the act exempts from the 10% admissions tax any athletic event presented by an Atlantic League of Professional Baseball member team at Bridgeport's Harbor Yard Ballpark. (PA 15-184 (§ 11) has the same exemption.)

§ 217 — SWIMMING POOL INSTALLER LICENSE

License Requirement

The act creates a swimming pool license for people who install above-ground swimming pools. (PA 15-5, JSS (§§ 405 & 517) repeal the pool installer license and instead create a pool assembler license.)

By law, anyone who, for financial compensation, builds or installs permanent spas or in-ground or partially above-ground swimming pools more than 24 inches deep must be licensed as a swimming pool builder and registered as a home improvement contractor with DCP (CGS § 20-340d). The act creates a swimming pool installer license for people who, for financial compensation, install above-ground swimming pools more than 24 inches deep, and it subjects these licensees to license and registration requirements similar to those that apply to swimming pool builder licensees under existing law, including registering as a home improvement contractor. People building or installing pools on their own residential property are exempt from the requirements under the law as well as the act.

As is the case for the swimming pool builder licensee, the act prohibits the swimming pool installer licensee from performing electrical; plumbing and piping; or heating, piping, and cooling work without being properly licensed for this work by DCP.

As is the case for the swimming pool builder licensee, the initial fee for the swimming pool installer license is \$150, and the annual renewal fee is \$100. The annual fee to register as a home improvement contractor is \$120, plus \$100 annually for the Home Improvement Guaranty Fund.

The act does not contain specific penalties for swimming pool installer license violations. But by law, DCP may impose penalties, such as revoking or suspending DCP licenses for violations. Under the act, a swimming pool installer licensee who violates the home improvement contractor registration provisions is also subject to a range of penalties.

Implementing Regulations for Swimming Pool Installers

By April 1, 2016, the act requires the DCP commissioner to adopt implementing regulations establishing, among other things, the amount and type of experience, training, continuing education, and examination requirements for getting and renewing a pool installer license.

Once DCP adopts regulations, the act prohibits anyone from installing, for financial compensation, an above-ground swimming pool more than 24 inches deep, except on his or her own property, without first obtaining a DCP pool installer license and registering with DCP as a home improvement contractor.

Anyone who applies for a license before January 1, 2017 does not have to take a license examination, provided his or her experience and training are equivalent to that required to qualify for the examination under DCP regulations.

Home Improvement Contractor Registration

The act requires swimming pool installer licensees to comply with the registration requirements that apply to home improvement contractors under existing law.

Fees. By law, home improvement contractors must register with DCP and pay a \$220 annual fee, including \$100 for the Home Improvement Guaranty Fund. This fund reimburses consumers unable to recover losses suffered because the contractor failed to fulfill a contract valued over \$200, up to \$15,000 per claim (CGS §§ 20-421 & 432).

Requirements. Among other things, registered contractors must (1) include their registration numbers in advertisements, (2) show their registration when asked to do so by “any interested party,” and (3) use written contracts that meet certain statutory requirements (CGS §§ 20-427(a) & 429).

Violations and Penalties. DCP may investigate, refuse, suspend, or revoke a home improvement contractor's registration and impose fines. It may impose civil fines of up to \$500 for a first offense, \$750 for a second offense, and \$1,500 for subsequent offenses for such violations as working without the required registration or willfully employing an unregistered individual (CGS § 20-427(d)).

In addition to other remedies in law, certain violations involving (1) fraud or misrepresentation are class B misdemeanors and (2) failure to refund money for home improvement work not done in a specified time are class A or B misdemeanors depending on the price of the work (see Table on Penalties) (CGS § 20-427(c)).

Finally, a violation of the home improvement contractor laws constitutes a violation under the Connecticut Unfair Trade Practices Act (CGS § 20-427(c)).

EFFECTIVE DATE: Upon passage

§ 218 — GOVERNOR'S HORSE GUARDS

The act transfers \$90,000 in each of FY 16 and FY 17 from the Community Investment Account to the Military Department for Personal Services. In each fiscal year, \$45,000 must be distributed to each of the (1) First Company Governor's Horse Guard unit in Avon and (2) Second Company Governor's Horse Guard unit in Newtown.

§ 219 — DRS STATE CORPORATION BUSINESS TAX REPORT

By law, multistate companies subject to Connecticut's corporation business tax must apportion their net income or loss and alternate capital base according to statutory apportionment formulas. By February 1, 2016, the act requires the DRS commissioner to (1) review how alternative apportionment and income sourcing methods affect Connecticut businesses and (2) make any recommendations to the Finance, Revenue, and Bonding Committee.

EFFECTIVE DATE: Upon passage

§§ 220 & 223 — MRSA TRANSFER

The act repeals a requirement that the DRS commissioner deposit \$12.7 million of FY 15 sales and use tax payments into MRSA and distribute the funds to municipalities according to a specified municipal revenue sharing formula. By June 30, 2015, it allows the comptroller to designate up to \$12.7 million of FY 15 General Fund revenue as FY 16 General Fund revenue.

EFFECTIVE DATE: Upon passage

BACKGROUND

Consensus Revenue Estimates

By law, the OPM secretary and OFA director must annually issue consensus revenue estimates by November 10 and any necessary consensus revisions of those estimates by January 15 and April 30. The estimates must (1) cover the current biennium and the three following years and (2) be the basis for the governor's proposed budget and the revenue statement included in the budget act the legislature passes.

Legislative Entrenchment

Legislative entrenchment refers to one legislature restricting a future legislature's ability to enact legislation. For example, CGS § 2-35 previously prohibited appropriations bills from containing general legislation. (This provision has since been repealed.) In *Patterson v. Dempsey*, 152 Conn. 431 (1965), the Connecticut Supreme Court held that this provision of CGS § 2-35 was unenforceable, writing that, "to hold otherwise would be to hold that one General Assembly could effectively control the enactment of legislation by a subsequent General Assembly. This obviously is not true, except where vested rights, protected by the constitution, have accrued under the earlier act."

PA 15-19—sHB 6717

Aging Committee

AN ACT CONCERNING THE STATE AGING AND DISABILITY RESOURCE CENTER PROGRAM

SUMMARY: This act (1) renames the Community Choices program as the Aging and Disability Resource Center (ADRC) program and (2) requires the Department on Aging to administer it as part of its CHOICES program.

The ADRC program provides seniors, caregivers, and people with disabilities with a single, coordinated information and access program for long-term support and institutional services. It is the state's designated ADRC program pursuant to the federal Older Americans Act (P.L. 109-365). The CHOICES program provides seniors and Medicare beneficiaries with, among other things, health insurance information and counseling.

EFFECTIVE DATE: July 1, 2015

PA 15-32—sSB 290

Aging Committee

Public Health Committee

Judiciary Committee

AN ACT CONCERNING PATIENT-DESIGNATED CAREGIVERS

SUMMARY: This act requires a hospital, when discharging a patient to his or her home, to:

1. allow the patient to designate a caregiver at or before the time the patient receives a written copy of his or her discharge plan;
2. document the designated caregiver in the patient's discharge plan;
3. attempt to notify the designated caregiver of the patient's discharge; and
4. instruct the caregiver on post-discharge tasks with which he or she will assist the patient at home.

The act specifies that it does not create a private right of action against a hospital or its employees, contractors, or consultants. It prohibits these entities and people from being held liable for services a caregiver provides or fails to provide to the patient in his or her home.

Additionally, the act does not affect (1) health insurers' benefit plan or reimbursement obligations, (2) a patient's discharge or transfer from a hospital to another facility, or (3) a patient's proxy health care rights.

By law, a "hospital" is an establishment that provides lodging, care, and treatment for people suffering from disease or other abnormal physical or mental conditions and includes general hospitals' inpatient psychiatric services.

EFFECTIVE DATE: October 1, 2015

DESIGNATED CAREGIVERS

Under the act, a "caregiver" is a person the patient designates to provide post-discharge assistance in the patient's home (e.g., a relative, spouse, neighbor, or friend). A patient's home does not include a long-term care facility (e.g., a nursing home or assisted living facility), rehabilitation facility, hospital, or group home.

Post-discharge assistance includes help with basic and instrumental activities of daily living and support tasks (e.g., wound care, medication administration, and medical equipment use) in accordance with the patient's written discharge plan signed by the patient or his or her representative.

The act prohibits a caregiver from receiving compensation for providing such assistance, including reimbursement from a private or public health insurer.

It does not require a patient to designate a caregiver nor does it obligate the caregiver to perform any post-discharge assistance for the patient.

DOCUMENTATION AND NOTIFICATION REQUIREMENTS

If an inpatient designates a caregiver before receiving his or her written discharge instructions, the act requires the hospital to:

1. record in the patient's discharge plan the caregiver's name, address, telephone number, and relationship to the patient and
2. make reasonable attempts to notify the caregiver of the patient's discharge as soon as practical.

The act specifies that the hospital's inability to contact the designated caregiver must not interfere with, delay, or otherwise affect the patient's medical care or appropriate discharge.

CAREGIVER INSTRUCTION

Requirements

The act requires hospitals, before discharging a patient, to provide the designated caregiver with instructions in all post-discharge assistance tasks included in the patient's discharge plan.

Caregiver training or instruction may be conducted in person or using video technology and must, to the extent possible, use nontechnical language. The act requires hospitals to determine which format will

effectively provide the training but does not specify where the training must take place. At a minimum, it must include:

1. a live or recorded demonstration of the post-discharge assistance tasks performed by a hospital designee authorized to perform the tasks,
2. an opportunity for the caregiver to ask questions about the tasks, and
3. answers to the caregiver's questions.

The demonstration must be conducted in a culturally competent manner according to the hospital's requirements for providing language access services under state and federal law.

Documentation

The act requires hospitals to document in the patient's medical record any training provided to the patient, his or her representative, or the designated caregiver on how to implement the discharge plan.

The hospital must also document in the patient's medical record any caregiver instruction provided on post-discharge assistance tasks, including the date, time, and content of such instruction.

HEALTH INSURER OBLIGATIONS

The act specifies that its provisions must not be construed to:

1. eliminate the obligation of an insurance company; health, hospital, or medical service corporation; HMO; or any other entity issuing health benefit plans to provide required benefit coverage or
2. impact, impede, or otherwise disrupt or reduce these entities' reimbursement obligations.

PATIENTS' PROXY HEALTH RIGHTS

The act specifies that its provisions do not affect or take precedence over an advance directive, conservatorship, or other proxy health care rights the patient delegates or applies by law.

PA 15-40—sSB 287

Aging Committee
Human Services Committee

AN ACT CONCERNING A STUDY OF ALTERNATIVE FUNDING SOURCES FOR NUTRITIONAL SERVICES FOR SENIOR CITIZENS

SUMMARY: This act requires the aging and social services departments, together with certain nutrition

service stakeholders, to study alternative sources of funding for nutrition services programs. They must report their findings and recommendations to the Aging Committee by July 1, 2016.

By law, the departments and stakeholders must meet quarterly to (1) develop recommendations to address complexities in the administration of nutrition services programs; (2) establish quality control benchmarks for the programs; and (3) help improve the quality, efficiency, and transparency of the elderly nutrition program.

Under prior law, stakeholders included area agencies on aging, access agencies, the Commission on Aging, nutrition providers, representatives of food security programs and contractors, nutrition host site representatives, and consumers. The act specifies that stakeholders include (1) at least one representative each from area agencies on aging, access agencies, the Commission on Aging, and nutrition providers and (2) at least one representative from food security programs, contractors, nutrition host sites, and consumers. The act also makes technical changes.

EFFECTIVE DATE: July 1, 2015

PA 15-129—sHB 6892

Aging Committee
Public Health Committee

AN ACT CONCERNING HOSPITAL TRAINING AND PROCEDURES FOR PATIENTS WITH SUSPECTED DEMENTIA

SUMMARY: Starting October 1, 2015, this act requires hospitals to train direct care staff in the symptoms of dementia as part of their regular staff training.

In general, neither state law nor regulation specifies training requirements for hospital direct care staff. In practice, hospitals must comply with clinical training requirements set by certain regulatory and accrediting agencies, including the federal Occupational Safety and Health Administration and the Joint Commission (an independent, national accrediting agency for hospitals and health care organizations).

EFFECTIVE DATE: July 1, 2015

PA 15-130—sHB 6894

*Aging Committee
Judiciary Committee*

**AN ACT CONCERNING THE SAFEGUARDING
OF FUNDS FOR RESIDENTS OF CERTAIN
LONG-TERM CARE FACILITIES**

SUMMARY: This act extends to residential care homes (RCHs) statutory requirements for nursing homes regarding the management of residents' personal funds. The requirements include notification and account management procedures and penalties for failure to comply.

Existing Department of Social Services (DSS) regulations establish similar procedures and requirements for managing RCH residents' personal funds. Presumably, RCHs would continue to follow these regulations in areas left unaddressed by the act (e.g., submitting to DSS annual statements on residents' accounts and accounting procedures when an RCH transfers ownership) (Conn. Agencies Reg., § 17-109a).

By law, an RCH is an establishment that (1) furnishes, in single or multiple facilities, food and shelter to at least two people unrelated to the proprietor and (2) provides services that meet a need beyond the basic provisions of food, shelter, and laundry (CGS § 19a-521).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

NOTIFICATIONS

Written Statement Prior to Admission

The act requires RCHs to provide to a resident or the resident's legally liable relative, guardian, or conservator (i.e., the "responsible party") a written statement:

1. explaining the resident's rights regarding his or her personal funds;
2. listing the charges that may be deducted from the funds;
3. explaining that the RCH will pay at least 5.5% interest annually on any required security deposit or advanced payment the resident submits before admission to the home; and
4. for Medicaid or Medicare beneficiaries, listing the charges not covered by their federal benefits.

The RCH must do this on or before a resident's admission to the home. It must also obtain written acknowledgement that the resident or his or her responsible party received the statement.

Medicaid Beneficiaries

For Medicaid beneficiaries, the act requires RCHs to provide written notification if the resident's personal account reaches \$200 less than the Medicaid asset limit, which is currently \$1,600 for an individual. The notice must advise the resident, or his or her responsible party, that the resident may become ineligible for Medicaid if his or her combined assets exceed the legal limit.

ACCOUNT MANAGEMENT

Consent

Under the act, a resident or his or her responsible party can ask, and provide written consent for, the RCH to manage the resident's personal funds. If a physician determines the resident is not mentally capable of understanding and has no conservator, the resident and his or her responsible party must cosign the consent.

Accounting

The RCH must prevent comingling the resident's funds with those of the RCH by establishing (1) a separate account for each resident or (2) an aggregate trust account.

The RCH must obtain signed receipts for each expenditure from each resident's personal funds and maintain an individualized, itemized record of their income and expenditures, including quarterly accounting. It must allow access to this record by the (1) resident or resident's responsible party, (2) regional long-term care ombudsman, and (3) Public Health and Social Services departments.

Refunds

The act requires an RCH to refund any overpayment or deposit made by a former resident, or his or her responsible party, within 30 days after the resident is discharged from the home. The RCH must also refund a deposit made by a prospective resident within 30 days after the individual notifies the home in writing that he or she no longer plans to be admitted.

PENALTIES

The act extends the law's penalties for mismanaging a nursing home resident's personal funds to mismanaging an RCH resident's personal funds. Under the act, violators are guilty of a class A misdemeanor (see Table on Penalties). A resident, or his or her responsible party, may bring an action in Superior Court to recover damages. An RCH that the court finds in violation of the act is liable for damages of three times the amount owed.

PA 15-236—sSB 1005

Aging Committee

Banking Committee

Judiciary Committee

AN ACT PROTECTING ELDERLY CONSUMERS FROM EXPLOITATION

SUMMARY: This act makes a number of changes in laws regarding elder abuse. Among other things, it:

1. makes certain emergency medical service providers mandated reporters of elderly abuse and expands training requirements for employees of certain entities who care for people age 60 or older (§§ 1 & 2);
2. gives abused, neglected, exploited, or abandoned elderly people a civil cause of action (§ 3);
3. requires the Commission on Aging to (a) study best practices for reporting and identifying elderly abuse, neglect, exploitation, and abandonment and (b) create a portal of training resources for financial institutions and agents (§ 5);
4. requires certain financial agents to receive training on elderly fraud, exploitation, and financial abuse (§§ 5 & 6); and
5. changes definitions of elderly neglect and necessary services (§ 1).

The act also prohibits certain individuals, including those convicted of 1st or 2nd degree larceny or 1st degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities, from inheriting, receiving insurance benefits, or receiving certain property from a deceased victim. It makes changes to the disposition of certain types of jointly owned personal property when one owner is convicted of one of these or certain other crimes against another owner (§ 4).

Finally, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

§§ 1 & 2—REPORTING ELDER ABUSE

Definitions

The act amends the definition of neglect for purposes of reporting suspected elderly neglect, training mandated reporters, and Department of Social Services (DSS) investigations and services. Under prior law, neglect referred to an elderly person (1) living alone and not able to provide for himself or herself the services necessary to maintain physical and mental health or (2) not receiving such services from a responsible caretaker. The act broadens the first definition by also including elderly people who do not live alone. The act specifies in the second definition that neglect is the failure of a caretaker to provide or arrange to provide such services to an elderly person. Under the act, services necessary to maintain an elderly person's physical and mental health include protection from abuse, neglect, exploitation, or abandonment, rather than protection from maltreatment generally.

Mandated Reporters

The law requires certain professionals (mandated reporters) to notify DSS when they reasonably suspect an elderly person (1) has been abused, neglected, abandoned, or exploited or (2) needs protective services. The act adds as mandated reporters the following licensed or certified emergency medical service providers: paramedics; emergency medical responders, technicians, advanced technicians, and technician-paramedics; service instructors; and any of these professionals who are members of a municipal fire department.

Failure to report is punishable by a fine of up to \$500. An intentional failure to report is a class C misdemeanor for a first offense and a class A misdemeanor for a subsequent offense (see Table on Penalties).

Training

The act expands the training that institutions, organizations, agencies, and facilities must provide to employees who care for someone age 60 or older. The act requires this training to cover detecting elderly exploitation and abandonment, in addition to the previously required topics of abuse and neglect and informing employees of their reporting responsibilities.

§ 3 — CIVIL ACTION FOR ABUSED, NEGLECTED, OR EXPLOITED ELDERLY PEOPLE

The act gives abused, neglected, exploited, or abandoned elderly people a cause of action against their perpetrators and allows them to recover actual and

punitive damages, costs, and reasonable attorney's fees. It allows the following people to sue:

1. the elderly person;
2. his or her guardian or conservator;
3. another person or an organization acting on the elderly person's behalf with consent from the elderly person or his or her guardian or conservator; or
4. the personal representative of a deceased elderly victim's estate.

If the action involves elderly exploitation, the act allows the court to prohibit the defendant from transferring, depleting, or otherwise alienating or diminishing any funds, assets, or property.

The act prohibits bringing an action for neglect or abandonment against someone who does not have a contractual obligation to provide care to an elderly person unless the person's neglect was willful or criminal.

§ 4 — INHERITANCE AND ESTATES

The act prohibits someone convicted of 1st or 2nd degree larceny; 1st degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities; or a similar crime in another jurisdiction from inheriting or receiving part of the victim's estate. This applies to anyone found guilty as a principal or accessory of any of these crimes. The act also excludes, from inheriting or receiving, someone who would have been found guilty of one of these crimes, as a principal or accessory, if he or she had survived, as determined by the Superior Court by a preponderance of the evidence in an action brought by an interested person.

The act prohibits a named beneficiary on an insurance policy or annuity from receiving any benefits if he or she is convicted of one of these crimes against the person who is the subject of the policy or annuity. The act also allows an interested party to bring a court action to determine by a preponderance of the evidence that a beneficiary who predeceased the interested person would have been found guilty of one of these crimes. If there is neither a conviction nor action by an interested party, the act allows a court to determine, based on common law, including equity, whether the person is entitled to any benefits. A person challenging a beneficiary's eligibility to benefits has the burden of proof in these proceedings.

When a person is prohibited from inheriting or receiving part of an estate under the act, he or she is considered to have predeceased the deceased victim for purposes of determining inheritance and distributing the estate.

Under the act, an insurance company that makes a payment under a policy's or annuity's terms is not liable for additional payments under the act unless, before making the payment, it received a written notice of claim under the act at its home office or principal address.

By law, these provisions already apply to victims of murder with special circumstances, murder, felony murder, arson murder, 1st degree manslaughter with or without a firearm, or a similar crime in another jurisdiction.

Joint Tenancy

Prior law contained a specific provision about joint tenancy with right of survivorship (where two or more people jointly own property and the survivor takes full ownership). The act limits the existing rule to ownership of real property and creates a new rule for personal property.

Previously, if someone was convicted of murder with special circumstances, murder, felony murder, arson murder, 1st degree manslaughter with or without a firearm, or a similar crime in another jurisdiction and owned property with the deceased in joint tenancy with right of survivorship, the person and the deceased became tenants in common (where each owned an interest that could be transferred and the interest did not end when the person died) when the conviction was final. The act limits this rule to joint tenancies with right of survivorship involving real property. It also applies this rule to people convicted of 1st or 2nd degree larceny or 1st degree abuse.

The act adds a new rule for joint tenancies with right of survivorship concerning personal property. For anyone convicted of one of the crimes listed above (those listed in existing law and those added by the act), the act converts the property's ownership to sole ownership by the deceased victim except to the extent a person can prove by a preponderance of the evidence his or her financial contribution to the property.

Overriding Prohibitions

The act allows someone convicted of 1st or 2nd degree larceny or 1st degree abuse to petition the court to override the act's prohibitions. The court can override if it would (1) fulfill the deceased victim's intent or (2) avoid a grossly inequitable outcome under the circumstances, including circumstances such as providing restitution or substantial benefits to the victim during his or her lifetime or the victim's expressed forgiveness. The petitioner has the burden of proof and persuasion on such a petition.

§ 5— COMMISSION ON AGING STUDY

The act requires the Commission on Aging to study best practices for reporting and identifying abuse, neglect, exploitation, and abandonment of elderly people, including:

1. nationwide reporting models;
2. standardized definitions, measurements, and uniform reporting mechanisms for accurate data collection in Connecticut; and
3. methods to promote and coordinate communication about reporting among state and local government entities, including law enforcement.

The commission must consult with the Connecticut Elder Justice Coalition Coordinating Council, DSS, Department on Aging, Office of the Long-Term Care Ombudsman, and chief state's attorney. It must report the study's results to the Aging Committee by January 1, 2016.

§§ 5 & 6—FINANCIAL INSTITUTIONS AND AGENTS TRAINING

The act requires the Commission on Aging to create a forum and clearing house for best practices and free training resources to help financial institutions and agents detect potential fraud, exploitation, and financial abuse. The commission must establish a single portal for resources and material by January 1, 2016.

The act requires financial agents to participate in mandatory training to detect potential elderly fraud, exploitation, and financial abuse, including using the commission's portal. Agents must complete the training within the later of six months after the commission establishes its portal or beginning employment.

The training requirement applies to officers or employees of banks, savings banks, credit unions, trust companies, savings and loan associations, insurance companies, investment companies, mortgage bankers, trustees, executors, pension or retirement funds, other fiduciaries, and private financial institutions who:

1. have direct contact with an elderly person within the scope of their employment or professional practice or
2. review or approve an elderly person's financial documents, records, or transactions.

BACKGROUND

Related Acts

PA 15-242 adds the same emergency medical service providers to the mandated reporter list.

PA 15-233 changes definitions related to (1) reporting suspected elderly exploitation and (2) DSS protective services and investigations, effective July 1, 2015.

PA 15-53—sHB 6800
Banking Committee

**AN ACT CONCERNING MORTGAGE
CORRESPONDENT LENDERS, THE SMALL
LOAN ACT, VIRTUAL CURRENCIES AND
SECURITY FREEZES ON CONSUMER CREDIT
REPORTS**

SUMMARY: This act:

1. allows Connecticut-licensed mortgage correspondent lenders to act as mortgage servicers without obtaining a mortgage servicer license from the banking commissioner, under certain circumstances;
2. changes the fidelity bond and error and omissions coverage requirements for mortgage servicers;
3. voids a contract or other agreement involving interest, consideration, or charges that violates the laws governing small loans, and makes other changes regarding violations of these laws;
4. requires an applicant for a money transmitter license to indicate whether the business will transmit virtual currency (such as Bitcoin), allows the commissioner to deny such a license if the proposed business model poses an undue risk of financial loss to consumers, and allows him to place additional requirements on such a license including requiring different surety bond amounts than for other money transmitters; and
5. prohibits credit reporting agencies from charging certain people (including identity theft victims) fees related to credit freezes.

EFFECTIVE DATE: Upon passage, except the provisions on virtual currency are effective October 1, 2015.

§§ 1-3 — MORTGAGE SERVICERS

Correspondent Lenders Acting as Servicers

The law requires mortgage servicers, with some exceptions, to obtain a license from the banking commissioner. New licensing requirements took effect on January 1, 2015. The act conforms the law to agency practice by allowing Connecticut-licensed mortgage correspondent lenders to act as mortgage servicers without obtaining a mortgage servicer license when they do so for residential mortgage loans they made (1) during the loan's 90-day holding period and (2) using a licensed main or branch office.

Under the act, this exception does not apply while a person's correspondent lender license is suspended.

By law, Connecticut-licensed mortgage correspondent lenders are allowed to make residential mortgage loans in their names. The mortgages are funded by others under certain types of agreements, and the correspondent lenders can hold the loans for up to 90 days.

The act requires these correspondent lenders to follow the law's requirements for mortgage servicers when they perform this role, including recordkeeping and disclosure requirements, complying with federal law and fee schedule restrictions, and avoiding prohibited acts. But the act does not require them to meet the surety and fidelity bond and errors and omissions coverage requirements for mortgage servicers.

By law, most banks, their subsidiaries, and Connecticut-licensed mortgage lenders that meet the bond and errors and omissions coverage requirements can act as mortgage servicers without a license.

Fidelity Bonds and Insurance Coverage

The law requires mortgage servicers and mortgage lenders acting as mortgage servicers to have (1) a fidelity bond to cover losses from fraud, embezzlement, misplacement, forgery, and similar acts committed by their employees and (2) errors and omissions coverage for losses arising from negligence, errors, and omissions related to the payment of real estate taxes and special assessments, hazard and flood insurance, or mortgage and guaranty insurance.

The law sets the fidelity bond and errors and omissions coverage amounts based on the mortgage servicer's volume of servicing activity, as most recently reported to the commissioner. Prior law required coverage of \$300,000 plus (1) 0.15% of the amount of residential mortgage loans serviced between \$100 million and \$500 million, (2) 0.125% of the amount of such loans serviced from \$500 million to \$1 billion, and (3) 0.1% of the amount of such loans serviced above \$1 billion. The act makes these amounts the minimum coverage required and allows servicers to have more coverage.

Previously, the fidelity bond and errors and omissions coverage could include a deductible of up to \$100,000 or 5% of the principal. The act instead caps the deductible at \$100,000 or 5% of the bond's or coverage's face amount.

§ 4 — SMALL LOANS

The law prohibits anyone, unless authorized under the small loan lender laws, from directly or indirectly charging, contracting for, or receiving any interest, charge, or consideration greater than 12% annually on a loan or use or forbearance of money or credit valued at

up to \$15,000. By law, any loan with an interest rate or charge greater than these provisions allow is unenforceable in Connecticut.

The act also makes a contract of loan or use or forbearance of money or credit void if it charges, contracts for, or someone receives interest, consideration, or charges beyond what the law permits. It prohibits anyone from collecting or receiving the principal, interest, charges, or consideration on such a contract. It also prohibits anyone from directly or indirectly assisting another person in prohibited conduct regarding small loans.

Anyone who violates the act's provisions is subject to the commissioner's authority to (1) investigate suspected violations of the small loan requirements and (2) take various actions, including suspending, revoking, or refusing to renew a person's license; issuing a cease and desist order; imposing civil penalties; and requiring restitution.

§§ 5-8 — VIRTUAL CURRENCY AND MONEY TRANSMISSION

Generally, the Money Transmission Act regulates businesses, other than banks, that receive and transmit money. It requires these businesses to be licensed, imposes financial conditions on them, and subjects them to Banking Department oversight.

As part of the initial application or license renewal process, the act requires a person to indicate whether his or her money transmission business will include transmitting monetary value in the form of virtual currency.

The act allows the commissioner to deny a money transmission license to an otherwise qualified applicant who will or may engage in business involving virtual currency if the commissioner believes the license would represent an undue risk of financial loss to consumers, considering the applicant's proposed business model.

Licenses Restrictions and Bond Requirements

The act allows the commissioner to place additional requirements, restrictions, or conditions on the license of an applicant whose business will or may involve virtual currency. This can include imposing different surety bond requirements than ordinarily apply to money transmitters. Any amount imposed must reasonably address the current and prospective volatility of the market in virtual currencies.

By law, transmitters post these bonds for the faithful performance of their obligations and to ensure they conduct business according to law. Table 1 shows the bond requirements ordinarily imposed on money transmitters based on the amount of business they conduct.

Table 1: Bond Requirements for Money Transmitters

<i>Average weekly amount of money transmitted in the state for year ending June 30</i>	<i>Amount of Bond</i>
Less than \$300,000	\$300,000
\$300,000 to \$500,000	\$500,000
More than \$500,000	\$1 million

By law, a money transmitter may replace some or all of the bond requirement with specified investments, but the total amount of investments and bonds must equal the bond amounts described above.

Virtual Currency Defined

Under the act, virtual currency is a digital unit (1) used as a medium of exchange or form of digitally stored value or (2) incorporated into payment system technology. It includes digital units of exchange that:

1. have a centralized repository or administrator,
2. are decentralized without a centralized repository or administrator, or
3. may be created or obtained by computing or manufacturing effort.

Under the act, virtual currency does not include digital units used:

1. solely in online gaming platforms with no other market or application or
2. exclusively in a consumer affinity or rewards program that (a) can be used only as payment for purchases with the issuer or another designated merchant and (b) cannot be converted into or redeemed for fiat currency (government-backed currency, such as the U.S. dollar).

§ 9 — SECURITY FREEZES ON CREDIT REPORTS

The law allows a consumer to request that a credit rating agency place a security freeze on his or her credit report. A freeze prohibits the agency from releasing information in the credit report without the consumer's express authorization.

The act prohibits credit rating agencies from charging the fees that would otherwise apply for placing, removing, or temporarily lifting a security freeze on a person's credit report (up to \$10) or temporarily lifting the freeze for a specific party (up to \$12) to the following people:

1. an identity theft victim or his or her spouse who submits a copy of a police report to the credit rating agency;
2. a person who submits a copy of a police report to the credit reporting agency and is covered by the identity theft victim's individual or group health insurance policy for (a) basic hospital

expenses, (b) basic medical-surgical expenses, (c) major medical expenses, or (d) hospital or medical services, including those provided through an HMO;

3. anyone under age 18 or at least age 62;
4. anyone who has a court-appointed guardian or conservator; or
5. a person who provides evidence to the credit rating agency that he or she is a domestic violence victim (evidence may include police, government, or court records; documents from people the victim sought assistance from such as shelter workers or medical or legal professionals; or a statement from someone who knows the circumstances of the violence).

By law, after placing a security freeze, credit reporting agencies give the consumer an identification number to use to release his or her report to a third party, release the report for a period of time, or remove a freeze. The act prohibits credit reporting agencies from charging anyone a fee the first time he or she requests a replacement identification number.

BACKGROUND

Related Act

PA 15-62 allows a minor's parent or legal guardian to place a security freeze on the minor's credit report.

PA 15-62—HB 6403
Banking Committee

AN ACT CONCERNING SECURITY FREEZES ON CHILDREN'S CREDIT REPORTS

SUMMARY: This act allows a minor's parent or legal guardian to place a security freeze on the minor's credit report. Under the act, a "minor" is someone under age 18 at the time a security freeze request is submitted.

Under the act, the freeze prohibits a credit rating agency from releasing the minor's credit report and information derived from it, if the agency has information about the minor. If the agency does not have information about the minor, it must create, but not release, a record that compiles information identifying him or her. The agency cannot use the record to consider the minor's character; reputation; personal characteristics; mode of living; or credit worthiness, standing, or capacity. The act prohibits the agency from releasing the minor's credit report, information derived from it, or records created for the minor.

To initiate a security freeze, the act requires the parent or guardian to provide the credit rating agency with:

1. a written request by certified mail or other secure method authorized by the rating agency and
2. proper identification and sufficient proof of authority to act for the minor, such as a court order, an original copy of the minor's birth certificate, or a written notarized statement signed by the parent or guardian that expressly describes his or her authority to act and is acknowledged according to law by a judge, family support magistrate, court clerk or deputy clerk with a seal, town clerk, notary public, justice of the peace, or Connecticut-licensed attorney.

The act requires the agency to freeze the minor's credit report within five business days of receiving a request. The parent or legal guardian can request the freeze's removal by submitting (1) a written request to the agency in the same way as the law allows for removing freezes of an adult's credit report and (2) proper identification and sufficient proof of authority to act for the minor. The agency must remove a freeze within 15 business days of a request.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Security Freezes

The law allows a consumer to request that a credit rating agency place a security freeze on his or her credit report. A freeze prohibits the agency from releasing information in the credit report without the consumer's express authorization. The agency provides the consumer with a personal identification number that the consumer can use to authorize (1) release of his or her report for a period of time or a specific purpose or (2) termination of the freeze.

Related Act

PA 15-53, among other things, prohibits credit rating agencies from charging security freeze fees to certain people such as identity theft victims and people under age 18.

PA 15-124—sHB 6752
Banking Committee
Appropriations Committee
Judiciary Committee

AN ACT EXTENDING THE FORECLOSURE MEDIATION PROGRAM

SUMMARY: This act extends the state's foreclosure mediation program for three years, until July 1, 2019. Courts may not accept mediation requests on or after that date, and the program terminates when the mediation of all previously submitted requests concludes. Under prior law, courts could not accept mediation requests on or after July 1, 2016.

The act also expands the scope of the program for foreclosure actions with a return date on or after October 1, 2015. In these cases, it makes eligible an owner-occupant who is not a borrower on the mortgage but who is a permitted successor-in-interest (i.e., a person who, among other things, holds title to the property as a result of certain events, such as divorce, legal separation, property settlement, or the borrower's death).

It expands the account history and related information a mortgagee must provide to a mediator and mortgagor by requiring the mortgagee to include copies of any agreements that modify the note or mortgage. Under the act, a mortgagee must also provide the most current version of required evaluation forms.

The act (1) specifies when the required pre-mediation meeting between the mediator and mortgagor must be held and (2) extends the deadline to submit certain forms and documentation to the mortgagee. The act allows the court, for good cause, to grant a mediator's motion to extend the premediation period.

The act requires the chief court administrator to report on the mediation program to the Banking Committee annually starting March 1, 2016 until March 1, 2019, instead of once by February 14, 2015. Under existing law, the chief court administrator must work with the governor's office, the banking industry, and consumer advocates to develop some of the required report data. The act requires that he also work with the Banking Department.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

FORECLOSURE MEDIATION PROGRAM

The state's foreclosure mediation program determines whether parties can reach an agreement to avoid foreclosure. The Judicial Branch's foreclosure mediators conduct mediation sessions with the mortgagee (lender) and the mortgagor (borrower or certain non-borrowers) in a statutorily prescribed

timeframe. The program is funded within available appropriations.

Permitted Program Participants

The act expands the types of homeowners who may participate in the foreclosure mediation program. Under existing law, a homeowner could participate in the program if he or she (1) was the owner-occupant of a one-to-four family home in Connecticut that he or she used as a primary residence and (2) was the borrower under a mortgage on the property. For foreclosure actions with a return date on or after October 1, 2015, the act also allows a homeowner who is not the borrower on the mortgage but is a "permitted successor-in-interest" to participate in the program.

Under the act, a "permitted successor-in-interest" is someone who is a defendant in a foreclosure action with a return date on or after October 1, 2015, and is:

1. a decedent-mortgagor's former spouse, who acquired sole title to the residential real property by virtue of (a) a transfer from the decedent's estate or (b) the death of the decedent-mortgagor where title was held as joint tenants or tenants in the entirety (see BACKGROUND) or
2. the spouse or former spouse of a mortgagor or former mortgagor who (a) acquired title by virtue of a transfer resulting from a divorce decree, legal separation agreement, or property settlement agreement and (b) ensures that all necessary consents to the disclosure of nonpublic personal financial information have been provided to the mortgagee (see below).

By law, a religious organization that is the owner of real property located in Connecticut and the borrower under a mortgage on such real property may also participate in the program.

Consent to the Disclosure of Nonpublic Personal Financial Information

By law, a mortgagor must file an appearance and foreclosure mediation certificate forms with the court within 15 days after the return date for the foreclosure action.

Under the act, for actions with a return date on or after October 1, 2015, in order for a spouse to be considered a permitted successor-in-interest, the court must confirm that the foreclosure mediation certificate consents to the full disclosure of certain nonpublic personal financial information by the mortgagee, to the extent the mortgagee has such information.

The spouse or former spouse must consent to disclosing this information to any other person who is obligated as a borrower on the note. Any other person

who is a mortgagor must consent to disclosing this information to a spouse or former spouse.

If a foreclosure mediation certificate is not submitted by a mortgagor, other than a spouse or former spouse claiming to be a permitted successor-in-interest, the court must confirm, instead of the requirements described above, that the foreclosure mediation certificate submitted by the spouse or former spouse contains a signed statement certifying that all people who are obligated on the note have otherwise given documentation to the mortgagee authorizing the full disclosure by the mortgagee of that person's nonpublic personal information to the spouse or former spouse.

Under the act, the mortgagee may rebut any such certification, if it submits a written statement to the court certifying that, based on reasonable belief, the mortgagee does not possess such documentation.

Account History Requirement

By law, for foreclosure actions with return dates on or after July 1, 2009 for residential real property and on or after October 1, 2011 for real property owned by a religious organization, the court must notify all appearing parties when it assigns a case to mediation. The mortgagee or its counsel, upon receiving the notice of case assignment, must send an account history and related information to the mediator and mortgagor.

Under existing law, related information includes all reasonably necessary forms needed for the mortgagee to evaluate the mortgagor for common foreclosure alternatives available through the mortgagee, if any. The act requires the mortgagee to send the most current versions of these forms.

Existing law requires the mortgagee to also send the mediator and mortgagor a copy of the note and mortgage. Under the act, the mortgagee must also include any agreements modifying the note and mortgage.

Mediator and Mortgagor Pre-mediation Meetings

By law, the court must (1) assign a foreclosure mediator and (2) schedule a meeting with the mediator and the mortgagor. Under the act, the court must hold the meeting, if possible, within 49 days after the return date. Prior law required only the scheduling of the meeting within this timeframe.

Delivery of Forms and Documents to Mortgagee

Under the law, the mediator must confirm submission of the forms and documentation by the mortgagor to the mortgagee's counsel and at the mortgagee's election, directly to the mortgagee. Prior law required the mediator to do so as soon as practicable within 84 days after the return date. The act extends

this deadline to (1) the end of any premediation period extension granted by the court (see below) or (2) three days after the court denies a motion for such an extension.

Premediation Period Extension

The act allows the court, for good cause, to grant a mediator's motion to extend the premediation period beyond the 84th day after the return date.

Under the act, the mediator must file such motion, with a copy simultaneously sent to the mortgagee and as soon as practicable to the mortgagor, not later than the 84th day after the return date. The mortgagee and mortgagor must file an objection or supplemental papers within five business days after the day the motion for extension was filed. The court must issue its ruling, without a hearing, within 10 business days after the date the motion was filed. If the court determines that good cause exists for an extension, it must establish an extended deadline so that the premediation period ends as soon as practicable, but not later than 35 days after the ruling. The court must consider the complexity of the mortgagor's financial circumstances, the mortgagee's documentation requirements, and the timeliness of the mortgagee's and mortgagor's compliance with their respective premediation obligations.

REPORTING REQUIREMENT

The act requires the chief court administrator, starting March 1, 2016 until March 1, 2019, to submit annually to the Banking Committee a summary of the mediation program and specified data collected from mediators' reports received from July 1, 2013 to December 31 of the year immediately preceding each report. Among other things, the specified data include the aggregate number of mediation cases, mediation sessions, and agreements reached. Prior law required the chief court administrator to report once by February 14, 2015.

Existing law requires the chief court administrator to work with the governor's office, the banking industry, and consumer advocates to develop the data points required for this report. Under the act, the chief court administrator must also work with the Banking Department to develop these data points for the annual reports.

BACKGROUND

Joint Tenancy

“Joint tenancy” is a type of concurrent estate in which co-owners have a right of survivorship. Thus, if one owner dies, his or her property interest passes to the surviving owner or owners by operation of law,

avoiding probate.

Tenancy By The Entirety

“Tenancy by the entirety” is a type of concurrent estate where a married couple’s ownership of property is treated as though a couple were a single legal person. Like joint tenancy, it also involves a right of survivorship. If one spouse dies, sole control of the property passes to the surviving spouse without going through probate.

PA 15-138—sSB 319

Banking Committee

Education Committee

Higher Education and Employment Advancement Committee

AN ACT CONCERNING FINANCIAL LITERACY EDUCATION

SUMMARY: This act adds topics that must be included in any financial literacy instruction plan that the State Department of Education (SDE), Board of Regents for Higher Education (BOR), and UConn Board of Trustees (BOT) develop in consultation with the Banking Department (see BACKGROUND). By law, any such plan must include instruction on the use of credit and debit cards. The act adds instruction in banking, investing, saving, and handling of personal finance.

By law, the State Board of Education, within available appropriations and using available material, must assist and encourage school districts to provide courses in personal financial management. Under the act, personal financial management courses must include any financial literacy instruction plan SDE, BOR, and UConn BOT develop.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Financial Literacy Instruction Plan

By law, SDE, BOR, and UConn BOT, in consultation with the Banking Department, may develop a plan to ensure that students in public high schools and state higher education institutions receive financial literacy instruction, which may occur (1) during a public high school student's final year and (2) by the end of the second semester for students at state higher education institutions (CGS § 10-16pp).

Related Law

By law, starting with the class graduating from high school in 2020, students must take at least two credits in

career and life skill electives, which may include personal finance courses (CGS § 10-221a).

PA 15-162—sHB 6915

Banking Committee

AN ACT CONCERNING A STUDENT LOAN BILL OF RIGHTS

SUMMARY: This act requires the banking commissioner, within available appropriations, to create the position of “student loan borrower ombudsman” in the Banking Department to provide timely assistance to “student loan borrowers” (borrowers). It establishes the ombudsman’s duties and requires him or her, in consultation with the commissioner and within available appropriations, to implement and maintain a prescribed student loan borrower education course.

It also establishes a separate non-lapsing account in the Banking Fund, called the student loan ombudsman account, to be funded by student loan servicers’ licensing and investigation fees and any other money required by law. The act requires the commissioner to use money in the account for the ombudsman position and the education course.

The act establishes licensure requirements and standards of conduct for student loan servicers. It exempts banks, credit unions, and certain of their subsidiaries from the servicer licensure requirements. The commissioner (1) must adopt regulations implementing the servicer provisions and (2) may conduct investigations and examinations and take enforcement action against violators.

The commissioner must also report annually, starting by January 1, 2016, to the Banking and Higher Education and Employment Advancement committees on, among other things, the implementation of the ombudsman position and the licensing and oversight of student loan servicers.

EFFECTIVE DATE: July 1, 2016, except the provisions on the ombudsman position and the definitions are effective October 1, 2015.

§ 2 – DEFINITIONS

Under the act, a "student loan borrower" is (1) any Connecticut resident who has received or agreed to pay a student education loan or (2) anyone who shares repayment responsibility with such resident.

A "student education loan" is any loan used mainly for financing education or other school-related expenses.

A "student loan servicer" is any person, regardless of location, responsible for servicing any student education loan to any student loan borrower.

With regard to a student education loan, "servicing" means:

1. receiving scheduled periodic payments from a borrower according to the terms of a loan,
2. applying the payments according to the loan terms, and
3. performing other administrative services.

§ 1 – STUDENT LOAN OMBUDSMAN POSITION

General Duties

Under the act, the ombudsman, in consultation with the commissioner, must:

1. receive and review complaints from borrowers;
2. attempt to resolve the complaints, including doing so in collaboration with institutions of higher education, loan servicers, and any other participants in student loan lending, including the University of Connecticut, Board of Regents for Higher Education, Office of Higher Education, or Connecticut Higher Education Supplemental Loan Authority;
3. compile and analyze complaint data;
4. help borrowers understand their rights and responsibilities under the terms of student education loans;
5. provide information to the public, agencies, legislators, and others about borrowers' problems and concerns and make recommendations for resolving those problems and concerns;
6. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies on borrowers and recommend necessary changes;
7. review the loan history for borrowers who give written consent;
8. disseminate information about his or her availability to help those with servicing concerns, such as borrowers, potential borrowers, state higher education institutions, and loan servicers; and
9. take any other actions necessary to fulfill his or her duties.

Student Loan Borrower Education Course

The act requires the ombudsman, in consultation with the commissioner and within available appropriations, to establish a student loan borrower education course by October 1, 2016. The course must include educational presentations and material about student education loans. It must cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan

forgiveness, and disclosure requirements.

§§ 3-6 & 9 – STUDENT LOAN SERVICERS

§ 3 – Licensure

The act generally requires any person acting as a student loan servicer to obtain a license from the commissioner.

Exemptions. The act exempts the following from the student loan servicer licensing requirements:

1. any bank, out-of-state bank, Connecticut credit union, federal credit union, or out-of-state credit union;
2. any wholly owned subsidiary of any such bank or credit union; and
3. any operating subsidiary where each owner is wholly owned by the same bank or credit union.

Application. An applicant for a student loan servicer license must file a written application, prescribed by the commissioner, along with:

1. a \$1,000 nonrefundable license fee;
2. an \$800 nonrefundable investigation fee;
3. a notarized financial statement prepared by a certified public accountant or public accountant, the accuracy of which is attested to by someone authorized to execute such documents; and
4. any history of criminal convictions (including sufficient related information) of the applicant and each partner, member, officer, director, and principal employee of such applicant.

The act allows the commissioner to conduct a state and national criminal history records check of the applicant and each partner, member, officer, director, and principal employee of the applicant.

Under the act, the commissioner, on receipt of the application and fees, must also investigate the applicant's (1) financial condition and responsibility, (2) financial and business experience, and (3) character and general fitness.

The act allows the commissioner to issue a student loan servicer license if he finds that:

1. the applicant's financial condition is sound;
2. the business will be conducted honestly, fairly, equitably, carefully, efficiently, consistent with the act's purposes and intent, and in a manner commanding the community's confidence and trust;
3. the applicant and the applicant's control persons (e.g., partner, senior executive, or shareholder with 10% of each class of the corporation's securities) are qualified and of good character;

4. no one on behalf of the applicant has knowingly made a material misstatement or omission in the application; and
5. the applicant meets other similar requirements as determined by the commissioner.

License Expiration and Surrender. A student loan servicer license expires at the close of business on September 30 of the odd-numbered year immediately following its issuance, unless it was renewed, surrendered, suspended, or revoked.

Within 15 days after a licensee, for any reason, stops engaging in student loan servicing anywhere in the state, such licensee must (1) surrender its license for such location and (2) notify the commissioner in writing. The act requires the written notice to identify the location where the licensee's records will be stored and the name, address, and telephone number of an individual authorized to provide access to the records. Under the act, a license surrender does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender.

License Renewal. Under the act, a student loan servicer license may be renewed biennially. The renewal application must be filed by September 1 of the year in which the license expires and must be accompanied by all documents and fees required for the initial licensure. Any renewal application filed after that date must include a \$100 late fee, and any such filing is deemed to be timely and sufficient.

If a license renewal application is filed on or before the license expiration date, it remains effective until the commissioner (1) issues the renewal or (2) notifies the licensee in writing of his refusal to renew the license, including the grounds for denial. The commissioner may refuse to renew a license for the same reasons he may deny an initial license application.

Automatic Suspension. The commissioner must automatically suspend the initial or renewal license if payment of the required fees is returned or not accepted by the bank. The commissioner must give the licensee notice of the automatic suspension, pending proceedings for revocation or refusal to renew, and an opportunity for a hearing.

Information Update. Under the act, an applicant or licensee must notify the commissioner in writing of any change in the information provided in its initial license application or most recent license renewal application, within 10 business days after the information changed.

Abandoned Application. The act allows the commissioner to deem an application abandoned if the applicant fails to respond to any request for information the act or regulations require. The commissioner must notify the applicant, in writing, that if the information is not submitted within 60 days from the request date, the application will be deemed abandoned. Application fees for abandoned applications are not refunded. However,

the act allows the applicant to submit a new application with the required filing fees.

§ 4 – Name and Location

Under the act, a loan servicer licensee must use the name and business address stated in its license. The licensee must (1) maintain one place of business under the license and (2) notify the commissioner in writing of any location change. The act allows the commissioner to issue more than one license to a licensee. A license is not transferable or assignable.

§ 5 – Record Retention

Student loan servicer licensees, as well as persons exempt from licensure (e.g., banks, credit unions), must maintain adequate records of each student education loan transaction for (1) at least two years following the final payment on the loan or the assignment of the loan, whichever occurs first, or (2) a longer period as required under law.

Under the act, if requested by the commissioner, a loan servicer must make the records available or send them to the commissioner within five business days of the request. The commissioner may allow additional time, if requested. The records must be sent by (1) registered or certified mail, return receipt requested, or (2) any express delivery carrier that provides a dated delivery receipt.

§ 9 – Compliance with Federal Law

A loan servicer must comply with all applicable federal laws and regulations, including the federal Truth-in-Lending Act and its implementing regulations. The act (1) considers a violation of any such federal law or regulation to be a violation of this requirement and (2) authorizes the commissioner to take enforcement action against any violator, in addition to any other legal remedies.

§ 6 – Prohibited Practices

The act prohibits a student loan servicer from:

1. employing, directly or indirectly, any scheme, device, or artifice to defraud or mislead borrowers;
2. engaging in any unfair or deceptive practice toward any person or misrepresenting or omitting any material information in connection with the servicing of a student education loan, including any fees, payments due, loan terms, or borrower obligations;
3. obtaining property by fraud or misrepresentation;

4. knowingly misapplying or recklessly applying student education loan payments to a loan's outstanding balance;
5. knowingly or recklessly providing inaccurate information to a credit bureau, causing harm to a borrower's creditworthiness;
6. failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the servicer regularly reports information to a credit bureau;
7. refusing to communicate with an authorized representative of the borrower who provides a written authorization signed by the borrower (the servicer is allowed to adopt procedures to verify that the representative is authorized to act on the borrower's behalf); and
8. negligently making any false statement or knowingly and willfully omitting a material fact in connection with any information or reports filed with a government agency or in connection with any investigation conducted by the commissioner or another government agency.

§§ 7-10 — COMMISSIONER'S OVERSIGHT AND AUTHORITY

§ 7 — *Investigation and Examination*

The act allows the commissioner to conduct investigations and examinations for the purposes of initial licensing; license renewal, suspension, revocation, or termination; or any general or specific inquiry or investigation to determine compliance with the act. The commissioner may review, investigate, or examine any loan servicer or person subject to the act's provisions as often as necessary to carry out its purpose.

The act requires the commissioner to have full access to any books, accounts, records, files, documents, information, or evidence relevant to an inquiry or investigation regardless of the location, possession, control, or custody of the documents, information, or evidence. These records include the applicant's criminal, civil, administrative, personal, and credit history. The act allows the commissioner to direct, subpoena, or order the (1) attendance of and examine under oath any person whose testimony may be required and (2) production of any books, accounts, records, files, or documents he deems relevant.

The commissioner may (1) control access to any documents and records of the loan servicer licensee or person under examination or investigation and (2) take possession of the documents and records or place a person in exclusive charge of them in the place where they are usually kept. The act prohibits the removal or

attempted removal of any of the documents and records during the control period, except by court order or with the commissioner's consent. The servicer licensee or owner of the documents and records must have access to them as needed to conduct its ordinary business, unless the commissioner has reason to believe there is a risk that the documents or records will be altered or destroyed to conceal a violation.

Under the act, the commissioner may:

1. retain attorneys, accountants, other professionals, and specialists as examiners, auditors, or investigators to conduct or assist in conducting examinations or investigations;
2. enter into agreements or relationships with other government officials or regulatory associations to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under his authority;
3. use, hire, contract for, or employ public or privately available analytical systems, methods, or software to examine or investigate a person subject to the act;
4. accept and rely on examination or investigation reports made by other government officials; and
5. accept audit reports made by an independent certified public accountant for the licensee or person on the same general subject matter as the audit, and incorporate the audit report in the commissioner's report of examination or investigation, or other writing.

A loan servicer licensee or person subject to investigation or examination under this act may not knowingly withhold, abstract, remove, mutilate, destroy, or hide any books, records, computer records, or other information.

Under the act, the commissioner's authority remains in effect whether a loan servicer licensee or person subject to its provisions acts or claims to act (1) under any state licensing or registration law or (2) without such authority.

§ 8 — *Enforcement*

Under the act, the commissioner may suspend, revoke, or refuse to renew any student loan servicer license, or take any other action, in accordance with existing procedures, for any violations or any reason that would be sufficient grounds for him to deny a license application. If the license is surrendered, revoked, or suspended before it expires, the commissioner may not refund any portion of the license fee.

The commissioner may take any action allowed under state banking laws when it appears to him that a (1) person violated, is violating, or is about to violate the act or any related regulations or (2) licensee or any owner, director, officer, member, partner, shareholder, trustee, employee, or agent of such licensee has committed fraud, engaged in dishonest activities, or made any misrepresentation. By law, such actions include sending notice of a violation after holding an investigation, offering to hold a hearing on the matter, imposing civil penalties up to \$100,000 per violation, issuing orders of restitution, and other actions.

§ 1 — COMMISSIONER’S REPORTING

Under the act, the commissioner must report annually, starting by January 1, 2016, to the Banking and Higher Education and Employment Advancement committees on:

1. the implementation of the ombudsman position and related provisions,
2. the overall effectiveness of the ombudsman position, and
3. additional steps needed for the department to gain regulatory control over the licensing and oversight of student loan servicers.

PA 15-235—sSB 924

Banking Committee

AN ACT CONCERNING REVISIONS TO VARIOUS CONNECTICUT BANKING STATUTES

SUMMARY: This act makes numerous unrelated changes in various banking statutes. Among other things, it:

1. makes several revisions to the Connecticut Truth-in-Lending Act (Connecticut TILA) to make it substantially similar to the federal Truth-in-Lending Act (federal TILA) and related regulations;
2. expands the banking commissioner’s enforcement authority by allowing him to impose a civil penalty on creditors who violate certain federal requirements as provided in federal law;
3. eliminates the requirement for Connecticut credit unions to file semi-annual reports with the commissioner, instead requiring them to report to the National Credit Union Administration (NCUA);
4. allows a Connecticut bank or savings and loan association that applies for a name change to meet certain notice requirements by using any

method of transmission that provides a signature as proof of delivery;

5. establishes a deadline by which a Connecticut bank must file its annual audit with the commissioner;
6. replaces statutory provisions on “home banking services” with provisions on “virtual banking” and explicitly allows banks and credit unions to provide virtual banking services;
7. applies bank or holding company acquisition approval requirements that pertain to anti-money laundering laws and regulations only to the extent that an acquiring entity is subject to such laws and regulations;
8. changes the look-back period a mortgage lender, mortgage correspondent lender, mortgage broker, and exempt registrant must use to calculate and confirm bonding requirements;
9. allows mortgage lenders to make certain required mortgage insurance disclosures as part of the estimate of closing costs that the federal TILA requires;
10. makes technical changes in the consumer collection agency statutes to incorporate, by reference, the sections previously enacted by PA 13-253 that (a) added new fund management and recordkeeping requirements and (b) require compliance with the federal Fair Debt Collection Practices Act; and
11. specifies that the state’s policy under Connecticut TILA includes enhancing economic stabilization and protecting consumers against inaccurate and unfair credit billing practices.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Various; see below.

§§ 1-23 — CONNECTICUT TILA

Under federal law, Connecticut is exempt from the credit transactions and credit billing provisions of the federal TILA because the Connecticut TILA requirements are substantially similar to the federal requirements, and Connecticut law has adequate provisions for enforcement (15 USC §§ 1633 & 1666j). The act makes several revisions to the Connecticut TILA to incorporate required substantive provisions of the federal TILA and related regulations. Among other things, it:

1. requires compliance with other federal laws, such as the Real Estate Settlement Procedures Act (RESPA), Consumer Credit Protection Act, and Dodd-Frank Act’s integrated disclosure requirements;

2. requires creditors to use disclosure terms and forms required under the Connecticut TILA and relieves them from liability under any inconsistent state statute;
3. requires compliance with other Connecticut laws regarding high-cost mortgages, but specifies that the provisions of the federal TILA prevail if there are any inconsistencies;
4. specifies that the Connecticut TILA and related regulations do not affect the validity or enforceability of any contract or obligation under state or federal law, except for (a) certain credit card sales transactions, (b) the right to rescind certain transactions, and (c) certain noncompliant creditors' liability for civil damages;
5. specifies that the federal TILA supersedes state laws related to the disclosure of information on credit and charge cards, except for state laws established to enforce such disclosure requirements;
6. subjects mortgage originators to federal requirements and penalties;
7. gives the commissioner additional discretion in enforcing laws against a creditor who is at risk of becoming undercapitalized and made an inaccurate disclosure about annual percentage rates or finance charges; and
8. grants a creditor immunity from liability for disclosure errors and penalties for false and inaccurate statements made in reliance on the validity of (a) the commissioner's advisory opinions, final decisions, or orders; (b) a federal Consumer Financial Protection Bureau interpretation; or (c) the federal Consumer Credit Protection Act or any interpretation of, or approval by, the Federal Reserve System's officials and employees.

The act also expands the commissioner's enforcement authority under the Connecticut TILA by giving him the authority to impose penalties on creditors who violate certain federal requirements. Under federal law, a creditor who extends credit or provides any service for a credit transaction secured by a consumer's principal dwelling may not engage in any act or practice that violates the independence of the property's appraisal (15 USC § 1639e). Under the act, in addition to any other applicable penalty, the commissioner may impose a civil penalty on a creditor who violates this provision. The federal penalty for the first violation is a fine up to \$10,000 for each day the violation continues. The maximum fine increases to \$20,000 for each subsequent violation (15 USC § 1639e(k)).

Under federal law, a creditor may not extend credit in the form of a "higher-risk mortgage" to any consumer without first obtaining a written appraisal of the

property (see BACKGROUND). Such appraisal must meet specific requirements. Under the act, willful violators are liable to the applicant or borrower for a \$2,000 penalty in addition to any other applicable federal penalties (15 USC § 1639h).

EFFECTIVE DATE: August 1, 2015

§§ 24-28, 43, & 44 – FINANCIAL INSTITUTIONS

§ 24 – Financial Statistical Reports (Connecticut Credit Unions)

The act eliminates the requirement for Connecticut credit unions to file semi-annual reports with the commissioner, listing their assets, liabilities, and other information the commissioner requires. Instead, it requires that they, upon written notice, file financial and statistical reports with NCUA as required by federal regulation (12 CFR § 741.6). By law, a credit union must still pay a \$100 fine to the state for each day that it fails to file such a report or information.

§ 25 – Name Change (Connecticut Banks and Savings and Loan Associations)

By law, a Connecticut bank or savings and loan association may apply to the commissioner for permission to change its name. The commissioner must publish the application in the department's weekly bulletin with a notice of the deadline for written objections.

Under existing law, at least 10 days before the deadline for objections, the applicant must mail a copy of the application and the deadline notice by registered or certified mail, return receipt requested, to each bank or out-of-state bank that has its main office or a branch in the towns where the applicant has its main office or a branch. The act allows the applicant to use any method of transmission that provides a signature as proof of delivery.

§ 26 – Annual Audit Filing (Connecticut Banks)

By law, each Connecticut bank must have an annual audit or examination conducted by a certified public accountant or other public accountant selected by its governing board or an authorized committee.

Existing law requires the bank to file a copy with the commissioner. The act establishes a deadline by which the bank must do so. Under the act, unless the commissioner extends the deadline for good cause, the bank must file the audit by the earlier of (1) the date the bank is required to file with the federal banking regulator or (2) 120 days after the close of the bank's fiscal year.

§§ 27, 43 & 44 – Virtual Banking

The act eliminates statutory provisions related to “home banking services” and replaces them with provisions related to “virtual banking.”

Prior law defined “home banking services” as the electronic transfer of funds or information, or the performance of other permissible banking services or transactions for a customer, by means of a home banking terminal (e.g., a computer terminal or television).

The act defines “virtual banking” as the provision of banking services by any bank, out-of-state bank, or Connecticut or federal credit union made available to customers through telecommunication or Internet access. Under the act, the means by which a customer engages in virtual banking include television, telephone, mobile device, fax, or computer. For purposes of the banking law, these means are not equivalent to an automatic teller machine, satellite device, branch, or office.

Under the act, any bank or credit union (1) may provide virtual banking services and (2) must comply with the federal Electronic Funds Transfer Act and its implementing regulations to the extent the virtual banking transaction is subject to such act or regulations.

§ 28 – Acquisition Approval

Under existing law, the commissioner may not approve the acquisition of a bank or holding company if the acquiring person (1) has inadequate anti-money laundering policies or (2) does not have a record of compliance with anti-money laundering laws. Under the act, this applies only to the extent that the acquiring person is subject to anti-money laundering laws and regulations.

EFFECTIVE DATE: October 1, 2015, except the sections on virtual banking and acquisition approval are effective on passage.

§§ 29 & 30 — MORTGAGE LICENSING SYSTEM, EXEMPT REGISTRANTS, AND MORTGAGE BONDS

§ 30 – Exempt Registrants’ Registration Approval

By law, banks, credit unions, their wholly owned subsidiaries, and some of their operating subsidiaries are exempt from mortgage lender, mortgage correspondent lender, and mortgage broker licensure requirements.

Under existing law, any person exempt from such licensure may register on the Nationwide Mortgage Licensing System (NMLS) as an exempt registrant to sponsor a mortgage loan originator, processor, or underwriter. Under the act, a person claiming exemption may register on NMLS, but the act specifies

that the commissioner’s approval of such registration is an approval to use NMLS for sponsoring and bonding and not an approval of exempt status.

By law, the commissioner is authorized to use NMLS for all financial services industry licensing and registration.

§ 29 – Bonding Requirements

By law, mortgage lenders, mortgage correspondent lenders, mortgage brokers, and exempt registrants must file with the commissioner a single surety bond written by a surety authorized to do business in the state. The penal sum amount of the bond is specified for each of these types of entities.

Existing law requires the principal on a bond to (1) confirm annually that it maintains the required penal sum and (2) file the information with the commissioner each year by September 1, or a date the commissioner sets. The act requires that the confirmation be completed (1) in connection with any renewal request and (2) after reviewing the entity’s financial information for the preceding four quarters ending June 30. It eliminates the requirement that the principal file the information by September 1, but maintains the requirement that they do so as the commissioner requires.

Under prior law, the penal sum of the required bond for each mortgage lender, mortgage correspondent lender, mortgage broker, or exempt registrant was determined by the aggregate dollar amount of the residential mortgage loans originated at an entity’s licensed locations during the 12-month period ending on July 31 of the current year. The act instead requires that the look-back period be the preceding four quarters ending June 30.

EFFECTIVE DATE: Upon passage

§ 41 – MORTGAGE INSURANCE DISCLOSURE

By law, a mortgage lender that requires a borrower to pay for mortgage insurance as a condition of obtaining a first mortgage loan must disclose in writing, among other things, a good faith estimate of any initial and monthly mortgage insurance cost. If the transaction is subject to the federal RESPA, prior law allowed a mortgage lender to make the disclosure as part of the good faith estimate of closing costs required under that act. Under the same circumstances, the act allows a mortgage lender to make the disclosure as part of the good faith estimate of closing costs required under federal TILA.

EFFECTIVE DATE: August 1, 2015

§§ 31-37 — CONSUMER COLLECTION AGENCIES

The act makes technical changes in the consumer collection agency statutes and related provisions to incorporate, by reference, the sections of the statutes (CGS §§ 36a-811 & -812) enacted by PA 13-253 that (1) added new fund management and recordkeeping requirements and (2) require agencies to comply with the federal Fair Debt Collection Practices Act.

EFFECTIVE DATE: Upon passage

BACKGROUND

Higher-Risk Mortgage

A “higher-risk mortgage” is a residential mortgage loan (other than a reverse mortgage loan that is a qualified mortgage) secured by a principal dwelling that, among other things, has an annual percentage rate exceeding the average prime offer rate, by certain set percentage points, for a comparable transaction (15 USC § 1639h(f)).

PA 15-27—sSB 841

*Committee on Children
Government Administration and Elections Committee
Education Committee*

AN ACT CONCERNING THE IMPLEMENTATION OF A COMPREHENSIVE CHILDREN'S MENTAL, EMOTIONAL AND BEHAVIORAL HEALTH PLAN

SUMMARY: This act establishes a 34-member Children’s Mental, Emotional and Behavioral Health Plan Implementation Advisory Board.

The board must advise specified individuals and entities on:

1. executing the comprehensive behavioral health plan that the Department of Children and Families (DCF) developed, as required by law, in 2014 (see BACKGROUND);
2. cataloging (by agency, service type, and funding allocation) the mental, emotional, and behavioral services for Connecticut families with children to reflect the services’ capacities and uses;
3. adopting standard definitions and measurements for the services delivered, when applicable; and
4. fostering collaboration among agencies, providers, advocates, and others interested in Connecticut child and family well-being to prevent or reduce the long-term negative impact of children’s mental, emotional, and behavioral health issues.

By September 15, 2016, the board must begin annual reporting to the Children’s Committee.

EFFECTIVE DATE: July 1, 2015

ADVISORY BOARD MEMBERSHIP

DCF Commissioner Appointees

The DCF commissioner or her designee must serve on the board. The commissioner must also appoint the following 18 board members:

1. eight representatives of families with children diagnosed with mental, emotional, or behavioral health issues;
2. two representatives of a private foundation that provides mental, emotional, or behavioral health services to children and families in Connecticut;
3. four children’s mental, emotional, or behavioral health care service providers who practice in Connecticut;

4. three representatives of private advocacy groups that provide child and family services in Connecticut; and
5. a United Way of Connecticut 2-1-1 Infoline program representative.

Legislative Appointees

The board also must include a:

1. medical doctor representing the Connecticut Children’s Medical Center emergency department, appointed by the House majority leader;
2. Connecticut school superintendent, appointed by the Senate majority leader;
3. Connecticut Behavioral Healthcare Partnership representative, appointed by the House minority leader; and
4. Connecticut Association of School-Based Health Centers representative, appointed by the Senate minority leader.

Other Agency Representatives

The board must include the following members or their designees:

1. the developmental services, early childhood, education, insurance, mental health and addiction services, public health, and social services commissioners;
2. the executive directors of the Judicial Branch’s Court Support Services Division and the Commission on Children; and
3. the child and healthcare advocates.

ADVISORY BOARD LEADERSHIP, MEETINGS, AND DUTIES

All members must be appointed by July 31, 2015 and serve initial three-year terms. Subsequent appointees serve two-year terms. Members may be reappointed. The appointing authority must fill any vacancy within 30 days.

The DCF commissioner must select two board members to serve as chairpersons. The chairpersons must schedule the first meeting, which must be held by August 30, 2015. The board must meet at least quarterly.

Each member is entitled to one vote. A majority of members constitutes a quorum to transact business, exercise power, or perform any legally authorized or imposed duty.

The board must advise the following individuals and entities:

1. DCF and the developmental services, education, insurance, mental health and addiction services, public health, and social services departments;
 2. the early childhood, child advocate, and health care advocate offices;
 3. the Judicial Branch's Court Support Services Division;
 4. the Commission on Children;
 5. child and family mental, emotional, and behavioral health service providers;
 6. advocates; and
 7. others interested in the well-being of Connecticut families and children.
3. building and adequately providing an array of behavioral health care services to meet the needs of families and children that is accessible to everyone and equally distributed throughout the state; and
 4. including youths with behavioral health needs and their family members in the behavioral health system's governance and oversight.

ANNUAL REPORT

The board's annual report to the Children's Committee must include:

1. the status of the comprehensive behavioral health plan;
2. the collaboration level between agencies and stakeholders involved in the plan's execution;
3. any recommendations for improving the plan's execution or agency and stakeholder collaboration; and
4. any additional information the board deems necessary and relevant to prevent or reduce the long-term negative impact of children's mental, emotional, and behavioral health issues.

BACKGROUND

Comprehensive Behavioral Health Plan

PA 13-178 requires DCF, in consultation with various entities, to develop a comprehensive implementation plan across agency and policy areas for (1) meeting the mental, emotional, and behavioral health needs of children in the state and (2) preventing or reducing the long-term negative impact of children's mental, emotional, and behavioral health issues.

The plan, submitted to the Children's Committee in October 2014, includes the following goals, among others:

1. redesigning the publicly financed system of children's behavioral health care to direct allocation of new and existing resources;
2. implementing evidence-based promotion and universal prevention models across all age groups and settings to meet the statewide need for such models;

PA 15-45—sSB 925

Committee on Children

Education Committee

Government Administration and Elections Committee

AN ACT ESTABLISHING A HOME VISITATION PROGRAM CONSORTIUM

SUMMARY: This act establishes a Home Visitation Program Consortium of up to 25 members to advise the Office of Early Childhood (OEC) and the children and families (DCF), developmental services (DDS), and education (SDE) departments on implementing OEC's recommendations to coordinate home visitation programs within the early childhood system. (As required by law, OEC submitted the recommendations on December 1, 2014 to the Appropriations, Children's, Education, and Human Services committees.) By September 15, 2016, the consortium must begin annual reporting to the Children's Committee.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

CONSORTIUM

Membership

The act requires the OEC commissioner to appoint the following members to serve initial three-year terms:

1. four representatives of families who receive, or have received within the last five years, services from one or more home visitation programs in Connecticut;
2. two representatives of private advocacy organizations that provide child and family services in the state; and
3. a Birth-to-Three program representative.

The OEC commissioner must also appoint the following members to serve initial two-year terms:

1. up to eight representatives of Connecticut home visitation programs, with at least four programs using different home visitation models, and
2. a United Way of Connecticut 2-1-1 Infoline program representative.

Additionally, the consortium must include the following, or their designees, as ex-officio members:

1. the director of the Connecticut Head Start State Collaboration Office;
2. the DCF, DDS, mental health and addiction services, OEC, public health, and SDE commissioners;
3. the child advocate; and
4. the Commission on Children executive director.

The OEC commissioner must fill initial appointments by July 5, 2015 and any subsequent vacancy within 30 days. After the first terms expire, subsequent commissioner appointees serve two-year terms. Consortium members may be reappointed.

Leadership and Meetings

The OEC commissioner must select two chairpersons from among the consortium members. They must schedule the first meeting, which must be held by August 4, 2015. The consortium must meet at least quarterly. OEC staff serves as the consortium's administrative staff.

Each member is entitled to one vote. A majority of members constitutes a quorum to (1) transact business, (2) exercise any power, or (3) perform any legally authorized or imposed duty.

REPORT

The consortium's annual report to the Children's Committee must include:

1. the implementation status of OEC's recommendations for coordinating home visitation programs within the early childhood system,
2. the level of collaboration among home visitation programs in Connecticut,
3. any recommendations to improve collaboration between home visitation providers and other stakeholders, and
4. any additional information the consortium deems necessary and relevant to improve home visitation services.

PA 15-51—HB 6724

Committee on Children

AN ACT CONCERNING TECHNICAL AND MINOR REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES

SUMMARY: This act renames the Department of Children and Families' (DCF) "adoption resource

exchange," whose primary purpose is to link children awaiting placement with permanent families, as the "permanency resource exchange." By law, the exchange (1) provides information and referral services and (2) recruits potential adoptive families. The act expands its duties to include recruiting families interested in becoming guardians of children awaiting placement with permanent families. DCF must register any child available for adoption with the exchange.

Prior law required DCF to refer appropriate children to national adoption exchanges when an adoptive family was not identified within 180 days of the termination of parental rights. The act requires DCF to refer these children to national adoption or permanency resource exchanges.

Finally, the act makes technical changes by eliminating or replacing obsolete terms to reflect current DCF practice.

EFFECTIVE DATE: October 1, 2015, except a technical change is effective on passage.

PA 15-58—SB 863

Committee on Children

AN ACT CONCERNING JUVENILE JUSTICE RISK AND NEEDS ASSESSMENTS

SUMMARY: This act requires the Department of Children and Families (DCF) commissioner to use a risk and needs assessment to ensure that delinquent children in the highest risk level are placed in appropriate secure treatment settings. Prior law required the commissioner to use the assessments to ensure that delinquent boys in the highest risk level were placed in the Connecticut Juvenile Training School, which is a male-only facility.

EFFECTIVE DATE: October 1, 2015

PA 15-81—sHB 6805

Committee on Children

Public Health Committee

AN ACT CONCERNING THE BIRTH-TO-THREE PROGRAM AND HEARING TESTS

SUMMARY: This act establishes an October 1, 2015 deadline (the act's effective date) by which the Department of Developmental Services (DDS) commissioner must require, as part of the Birth-to-Three program, that notice of the availability of hearing tests be given to parents and guardians of children receiving program services who are exhibiting delayed speech, language, or hearing development.

The notice may include information on the benefits of, and available financial assistance for, hearing tests

for children, as well as available hearing test and treatment resources.

The act allows the DDS commissioner to adopt implementing regulations.

PA 15-5, June Special Session, §§ 262 & 521, repeals this act. It establishes the same deadline and similar notice and regulatory provisions as the act, but it substitutes the Office of Early Childhood commissioner for the DDS commissioner and has an effective date of July 1, 2015.

The Birth-to-Three program is a private, provider-based system that provides services to families with infants and toddlers who have developmental delays or disabilities.

EFFECTIVE DATE: October 1, 2015

PA 15-112—sSB 926 (VETOED)

*Committee on Children
Education Committee*

AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE OR NEGLECT BY SCHOOL EMPLOYEES

SUMMARY: This act requires the (1) Department of Children and Families (DCF) to notify certain education officials when it cannot substantiate a report that a school employee abused or neglected a child and (2) education officials to remove references to the report and DCF investigation from the employee's personnel records and any other records relating to him or her. It prohibits using such an unsubstantiated report against the employee for any employment-related purpose.

EFFECTIVE DATE: July 1, 2015

UNSUBSTANTIATED REPORTS OF ABUSE AND NEGLECT

Notification and Removal from Records

The law requires DCF to take certain actions when it receives a report that a school employee abused or neglected a child, including investigating the report and notifying the education commissioner and employing superintendent of its findings within five working days after the investigation ends. The act requires DCF to also notify the school employee within this time period.

The act also requires DCF to notify the employee, education commissioner, employing superintendent, and employing school or school district if it cannot substantiate such a report. On receiving this information, the State Department of Education, employing superintendent, and employing school or school district must remove any reference to the report and investigation from the employee's personnel

records and any other records relating to him or her. The act does not set specific deadlines for DCF to notify the education officials and for the education officials to remove the records, but these actions must apparently take place immediately on completing the investigation and on receiving the notice from DCF, respectively.

Prohibitions on Use of Unsubstantiated Report

Under the act, an unsubstantiated report of abuse or neglect cannot be used against the employee for any employment-related purpose. These include matters of discipline, salary, promotion, transfer, demotion, retaining or continuing employment, termination, or any employment-related right or privilege.

BACKGROUND

School Employee

By law, a school employee is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach (a) employed by a local or regional board of education or a private elementary, middle, or high school or (b) working in a public or private elementary, middle, or high school or
2. any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (a) a public elementary, middle, or high school, under a contract with the local or regional board of education, or (b) a private elementary, middle, or high school, under a contract with the supervisory agent of the private school (CGS § 53a-65).

PA 15-141—sSB 927

*Committee on Children
Education Committee
Appropriations Committee*

AN ACT CONCERNING SECLUSION AND RESTRAINT IN SCHOOLS

SUMMARY: This act explicitly extends, to most public school students in kindergarten through grade 12, laws regulating the use of restraint and seclusion that already applied to (1) students receiving special education services and (2) people cared for or supervised in institutions or facilities by the departments of children and families (DCF), developmental services,

public health, and mental health and addiction services (DMHAS). It expands the protections that apply to students.

The act prohibits teachers, administrators, and other public school employees from using life-threatening physical restraints on any student, limits how long students can be kept in allowable physical restraints or seclusion, and specifies the types of locations in which a student may be secluded.

It bars school employees from using physical restraints on students or placing students in seclusion unless the employees have been properly trained and requires that this training be phased in over three years for school professionals, paraprofessionals, and administrators beginning with the 2015-16 school year. It requires school boards to develop policies and procedures to (1) provide this training and (2) establish monitoring and internal reporting on the use of physical restraints and seclusion.

It requires school boards to (1) notify parents and guardians no later than 24 hours after a child has been placed in physical restraint or in seclusion and (2) make a reasonable effort to notify them immediately after the start of the physical restraint or seclusion.

It requires school boards to take certain steps for students placed in physical restraint or seclusion four or more times in 20 school days.

Among other things, the act also:

1. requires school boards to identify, by July 1, 2015, crisis intervention teams to respond to incidents of physical restraint or seclusion;
2. requires the State Department of Education (SDE) to create a pilot program to study and analyze, and State Board of Education (SBE) to adopt or revise regulations on, the use of physical restraints and seclusion;
3. adds reporting requirements; and
4. makes conforming changes.

The act does not limit the justified use of physical force by local, state, or federal law enforcement officials performing their duties.

EFFECTIVE DATE: July 1, 2015

APPLICABILITY

School Employees

Under the act, a "school employee" is a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional school board or working in a public elementary, middle, or high school. A school employee also is anyone else who (1) comes into regular contact with students while performing his or her duties and (2) provides services to or on behalf of

students enrolled in a public elementary, middle, or high school under a contract with the local or regional school board.

The act requires specialized training for school professionals, paraprofessionals, and administrators. It does not define "school professional," but under the education statutes a school professional is a school teacher, administrator, or other SBE-certified person (CGS § 10-66dd).

Student

The act applies to children:

1. in public schools enrolled in kindergarten through 12th grade under the jurisdiction of a local or regional school board,
2. receiving special education and related services in an institution or facility operating under contract with a school board,
3. enrolled in a program or school administered by a regional education service center (RESC, see BACKGROUND), or
4. receiving special education and related services from an approved private special education program.

The act does not apply to children receiving education services from Unified School District #2 or DMHAS (see BACKGROUND).

PROHIBITING LIFE-THREATENING PHYSICAL RESTRAINTS

The act bars school employees from using a life-threatening physical restraint on a student. Under the act, this is a restraint or hold that (1) restricts air flow to a student's lungs, whether by compressing the student's chest or otherwise, or (2) immobilizes or reduces a prone student's ability to freely move his or her arms, legs, or head.

The prohibition does not limit any self-defense claim permitted to someone criminally charged with using deadly physical force (see BACKGROUND).

LIMITED USE OF PHYSICAL RESTRAINT

The act extends, to any student as defined by the act, limits that already apply to the use of physical restraints on students receiving special education services.

Under the act, as under existing law, a school employee may use physical restraint only in emergencies to prevent immediate or imminent injury to a student or others (see BACKGROUND). An employee may not use physical restraint (1) to discipline a student, (2) because it is convenient, or (3) instead of a less restrictive alternative.

As under existing law, the act requires a school employee to continually monitor a student placed in physical restraint and regularly evaluate the student for signs of physical distress. The employee conducting the evaluation must enter the evaluation in the student's educational record. Monitoring can be done either through direct observation or by video, provided the video monitoring occurs closely enough for the monitor to provide aid if needed.

Under the act, as under existing law, "physical restraint" is any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head. It does not include:

1. a brief hold to calm or comfort a student;
2. restraint involving the minimum contact needed to safely escort a student from one place to another;
3. medical devices, including supports prescribed by a health care provider to achieve proper body position or balance;
4. helmets or other protective gear that protects a student from being injured in a fall; or
5. helmets, mitts, and similar devices used to prevent self-injury that are the least restrictive means available to prevent the self-injury and are (a) part of a documented treatment plan or individualized education program (IEP, see BACKGROUND) or (b) prescribed or recommended by a medical professional.

LIMITED USE OF SECLUSION

The act extends, to any student as defined by the act, limits on using seclusion that already apply to students receiving special education services.

Seclusion is a student's involuntary confinement in a room, whether alone or supervised, in a way that prevents the student from leaving. The law bars school employees from placing a student in seclusion except to prevent immediate or imminent injury to the student or others. As in the use of physical restraint, an employee may not use seclusion (1) to discipline a student, (2) because it is convenient, or (3) instead of a less restrictive alternative.

By law, an employee may not place a student in seclusion unless a school employee frequently monitors the student. The act additionally requires that the area in which the student is secluded have a window or other fixture allowing the student to clearly see beyond the seclusion area. As with physical restraint, monitoring of students in seclusion can be done either through direct observation (presumably from another room) or by video, provided the video monitoring occurs closely enough for the monitor to provide aid if needed.

Also, as in the use of physical restraint, a school employee must regularly evaluate the secluded student for signs of physical distress, and the employee conducting the evaluation must enter the evaluation in the student's educational record.

TIME LIMIT ON USE OF PHYSICAL RESTRAINT AND SECLUSION

Under the act, a student may not be placed in physical restraint or in seclusion for longer than 15 minutes, except this may be extended for additional periods of up to 30 minutes each if any of the following people determines that continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or others: (1) a school administrator or his or her designee, (2) school health or mental health personnel, or (3) a board-certified behavioral analyst. The individual making such a determination must have received training in the use of physical restraint and seclusion as the act provides. The administrator, health or mental health professional, or behavioral analyst must make a new determination every 30 minutes a child is physically restrained or secluded.

FREQUENT USE OF RESTRAINT OR SECLUSION

The act creates procedures that schools must follow in cases where a student is placed in physical restraint or seclusion four or more times in 20 school days.

In cases where such a student requires special education services or is being evaluated for these services, the student's planning and placement team must meet to (1) conduct or revise the student's behavioral assessment and (2) create or revise any applicable behavioral intervention plan, including the student's IEP.

For all other students, a school administrator, at least one of the student's teachers, the student's parent or guardian, and, if any, a mental health professional must meet to (1) conduct or revise the student's behavioral assessment, (2) create or revise any applicable behavioral intervention plan, and (3) determine if the student may require special education services.

PARENTAL NOTIFICATION

The act requires each school board to make a reasonable effort to notify a student's parent or guardian immediately after the student is physically restrained or placed in seclusion. The board must provide this notification no later than 24 hours after the student was placed in restraint or seclusion.

ADMINISTERING MEDICATION

The act generally bars school employees from administering any medication that affects the central nervous system and influences thinking, emotion, or behavior to any student without that child's consent. However, as under existing law for students receiving special education services, the employee may do this without such consent (1) in an emergency to prevent immediate or imminent injury to the child or someone else or (2) as an integral part of the child's established medical or behavioral support or educational plan. If there is no such plan, the employee may administer the medication without the student's consent under the initial orders of a licensed practitioner. The use of medications, alone or in combination, may be used only in therapeutically appropriate doses and not as a substitute for other appropriate treatment.

TRAINING ON USING PHYSICAL RESTRAINT AND SECLUSION

The act (1) bars a school employee from placing a student in physical restraint or seclusion unless he or she has received training in its proper use and (2) expands on the training existing law requires.

It requires that school professionals, paraprofessionals, and administrators receive training in (1) preventing incidents requiring physical restraint or seclusion and (2) properly physically restraining or secluding someone. The training must be phased in over three years, beginning in the 2015-16 school year.

Overview

Starting on or after July 1, 2015, SDE must provide as part of the training an annual overview of relevant laws and regulations on the use of physical restraint and seclusion. The overview must be in the manner or form the education commissioner determines.

Prevention Training

Each school board must create a plan to provide school professionals, paraprofessionals, and administrators with training and professional development on preventing incidents requiring physical restraint or seclusion. This plan must be implemented by July 1, 2017 and provide for the training of these individuals by July 1, 2019. The act authorizes SDE, within available appropriations, to provide monitoring and support to school boards on formulating and implementing this plan.

Proper Use of Physical Restraint or Seclusion

Schools boards must create a plan to provide school professionals, paraprofessionals, and administrators with training and professional development on the proper way to physically restrain or seclude a student. This plan must include:

1. various types of physical restraint and seclusion,
2. the differences between (a) life-threatening physical restraint and other levels of physical restraint and (b) permissible physical restraint and pain compliance techniques, and
3. monitoring methods to prevent harm to a physically restrained or secluded student.

This training plan must be implemented by July 1, 2017 and provide for the training of all school professionals, paraprofessionals, and administrators by July 1, 2019, and periodically thereafter, as the education commissioner prescribes.

Monitoring, Reporting, and Regulations

The act requires school boards to develop policies and procedures to (1) provide this training and (2) establish monitoring and internal reporting of the use of physical restraints and seclusion. School boards must post these policies and procedures on their websites and in their procedures manuals.

The act also requires SBE to adopt or revise regulations on the use of physical restraint and seclusion. No later than 60 days after SBE's adoption or revision of the regulations, each local or regional school board must update its applicable restraint and seclusion policies and procedures and make them available on its website and in its procedures manual.

CRISIS INTERVENTION TEAMS

By July 1, 2015 and for each school year afterward, each local or regional school board must require each school in its district to identify a crisis intervention team of school professionals, paraprofessionals, and administrators trained in the use of physical restraint and seclusion. These teams must respond to any incident requiring physical restraint or seclusion under the act. Each team member must be annually recertified in the proper use of physical restraint and seclusion.

PHYSICAL INJURY

As under existing law for students receiving special education services, if restraint or seclusion results in physical injury to a student, the school board and each institution or facility must report the incident to SBE, which must include it in its annual report. The act specifies that this requirement also applies to approved

private special education programs. SBE must report any instance of serious injury or death to the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Office of the Child Advocate.

RECORDING AND REPORTING REQUIREMENTS

As under existing law for students receiving special education services, the act requires each school board, institution, and facility to record each instance where a student is physically restrained or secluded and specify (1) whether the use of seclusion was according to the student's IEP and (2) the nature of the emergency that necessitated its use. They must include this information in an annual compilation of the use of restraint and seclusion on their students. As under existing law, these entities need not report instances of in-school suspensions.

The act specifies that (1) this requirement also applies to approved private special education programs and (2) the school boards, facilities, institutions, and private special education programs record this information beginning July 1, 2016. The act also requires these entities to send the annual reports to SDE for its pilot program (see below).

Under prior law, SBE had to review the compilations and produce an annual summary report identifying the frequency of physical restraint or seclusion use for special education students and whether it was used in accordance with an IEP or in an emergency. The act requires SBE in preparing its annual summary report to specify if any student placed in physical restraint or seclusion is a special education student and, if so, whether the restraint or seclusion was used according to an IEP or in an emergency. The act requires SBE to submit the report annually, starting by January 15, 2017, to both the Education and Children's committees. The information must be included in the annual report card the Committee on Children prepares to evaluate state policies and programs affecting children (CGS § 2-53m).

Pilot Program

The act requires SDE, for the school year beginning July 1, 2015, to establish a pilot program in various districts, including an alliance district, a regional school district, and a RESC (see BACKGROUND). Under the pilot program, SDE must examine physical restraint and seclusion incidents in schools and compile and analyze data on them to help SDE better understand and respond to them.

Student's Educational Record

As under existing law, the act requires that any use of physical restraint or seclusion be documented in the student's educational record. The documentation must include the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were signs that such an emergency might occur. It also must include a detailed description of the nature of the restraint or seclusion, its length, and its effect on the student's established educational plan.

BACKGROUND

Unified School District #2 (USD #2)

USD #2 serves children in DCF-run residential and day treatment facilities who cannot attend public school (CGS § 17a-37). According to DCF, USD #2 serves the North and South campuses of the Albert J. Solnit Psychiatric Center (formerly Connecticut Children's Place and Riverview Hospital, respectively) and the Connecticut Juvenile Training School.

DMHAS Education Services

By law, DMHAS provides regular education and special education and related services to eligible residents of DMHAS facilities between ages 18 and 21 (CGS § 10-76d(e)(4)).

Justifiable Use of Physical Force

By law, the use of physical force on another person that would otherwise constitute a criminal offense is justifiable in certain circumstances. For example, a teacher may use reasonable physical force on a minor to the extent he or she reasonably believes it is necessary to (1) protect himself or herself or others from immediate physical injury; (2) obtain possession of a dangerous instrument or controlled substance on or in the control of the minor; (3) protect property from physical damage; or (4) restrain the minor or remove him or her to another area to maintain order (CGS § 53a-18(6)).

Under CGS § 53a-19, an individual is generally justified in using reasonable physical force on someone to defend himself or herself or a third person from what the individual reasonably believes to be the use or imminent use of physical force. With some exceptions, a person may use deadly physical force if he or she reasonably believes another person is (1) using or about to use deadly physical force or (2) inflicting or about to inflict great bodily harm.

Individualized Education Program (IEP)

Under federal law, an IEP is a written document describing the educational program for a child with a disability that is developed, reviewed, and revised as federal law requires (34 CFR § 300.320).

Regional Education Service Centers (RESCs)

RESCs supply educational services and programs to boards of education on a regional level so that the boards do not have to provide them individually (CGS § 10-66a et seq.).

PA 15-159—HB 6723
Committee on Children

AN ACT CONCERNING GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

SUMMARY: By law, the Superior Court or probate court may terminate parental rights when (1) it is in the child's best interest and (2) the child, due to severe physical abuse or a pattern of abuse, has been denied care, guidance, or control necessary for his or her physical, educational, moral, or emotional well-being.

This act specifically addresses three instances involving abuse. It allows the court to terminate parental rights, when it is in the child's best interest and:

1. (a) in Superior Court, if the child has been found by either court in a prior proceeding to have been abused or (b) in probate court, if a child of the parent was found by either court in a prior proceeding to have been abused;
2. the child is found to be abused and has been in the custody of the children and families (DCF) commissioner for at least 15 months and the child's parent has not rehabilitated enough to encourage the belief, based on the child's age and needs, that the parent could assume a responsible position in the child's life; or
3. a child of the parent is abused and under age seven, and the parent has not rehabilitated, as described above, and has had his or her parental rights for another child terminated by a DCF petition.

The law already gives the court the power to terminate parental rights under these same three circumstances based on findings of neglect. Prior to the enactment of PA 11-240, a court finding of neglect could include a finding of abuse and thus these three provisions applied to conduct that amounted to neglect or abuse. But PA 11-240 removed abusive conduct from the definition of neglect, limiting these findings to cases involving neglect. The act clarifies that the court

has the same powers relating to termination of parental rights based on findings of abuse as it did prior to the enactment of PA 11-240.

Additionally, in termination of parental rights proceedings under prior law, a party (1) had the right to counsel, (2) upon request, could have counsel appointed by the court if he or she was unable to pay for an attorney, and (3) could not waive counsel until the court first explained the nature and meaning of a termination of parental rights petition. The act instead specifies that respondent parents have these rights in such proceedings. The law generally requires the court to also appoint counsel for children involved in such proceedings.

The act also makes technical changes.
EFFECTIVE DATE: Upon passage

PA 15-199—sHB 6899
Committee on Children
Judiciary Committee

AN ACT EXPANDING GUARDIANSHIP OPPORTUNITIES FOR CHILDREN AND IMPLEMENTING PROVISIONS OF THE FEDERAL PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT

SUMMARY: This act makes changes in several Department of Children and Families (DCF)-related statutes.

Principally, the act:

1. permits caregivers to allow children under a DCF or court-ordered service or safety plan to participate in "normal childhood activities" (i.e., extracurricular, enrichment, and social activities, including overnight activities outside the caregiver's direct supervision for up to 48 hours) without prior department or court approval (§ 1);
2. limits permanency plan goals involving certain planned permanent living arrangements (such as placement in an independent living program) to children age 16 or older, establishes certain requirements for these arrangements, and eliminates certain other permanency plan goals (§§ 2-4, 14, & 19);
3. requires DCF to consult with any child age 12 or older in its custody when developing or revising the child's permanency plan (§ 3);
4. defines "fictive kin caregivers," allows child placement with one of these individuals, makes these caregivers eligible for guardianship subsidies, and allows for the transfer of such subsidies from one caregiver to a successor caregiver (§§ 5 - 10);

5. requires foster care providers, relative and fictive kin caregivers, and child care facilities to make careful and sensible parental decisions that maintain the health, safety, and best interests of a child (§§ 5 & 6);
6. authorizes the probate court to order post-adoption sibling visitation rights for adoptions that take place in that venue and requires the court to consider certain factors before making such a decision (§ 18);
7. creates a hearing process for individuals who believe they are harmed by a DCF decision to terminate voluntary services and modifies the notice and regulation adoption requirements DCF must follow for these terminations (§ 19);
8. allows the DCF commissioner to transfer a youth (i.e., 16 or 17 year old) or child receiving voluntary services to the supervision of the Department of Mental Health and Addiction Services (DMHAS) or Department of Developmental Services (DDS) (§ 19);
9. specifies that the court does not need to annually review case service plans (i.e., plans for children receiving DCF services who are not in out-of-home placements) and makes other minor changes in the plan review process (§ 19);
10. expands the (a) circumstances under which DCF must disclose records to specified parties without the subject's consent and (b) list of individuals who must submit to criminal history record and child abuse registry checks (§§ 5, 15, & 16);
11. adopts rules for the appointment of counsel when certain cases involving children or youths are transferred from the probate to Superior Court (§ 20);
12. expands the list of individuals the DCF commissioner must notify when (a) she removes a child from parental custody and extends the amount of time DCF has to provide such notice or (b) a child committed to DCF custody is missing or abducted (§§ 11 & 13);
13. broadens the age range for the children on whose behalf DCF must request an annual credit report and review it for identity theft (§ 12); and
14. specifies data DCF must annually submit to the Children's Committee pertaining to sibling visitation statutes (§ 17).

The act also makes several minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2015, except provisions pertaining to permanency plans for children receiving voluntary services, court transfers, DCF data-gathering requirements, and postadoption sibling visitation are

effective October 1, 2015.

§ 1 – NORMAL CHILDHOOD ACTIVITIES

The act permits caregivers to allow children in their care under a DCF or court-ordered service or safety plan to participate in normal childhood activities without prior DCF or court approval. The activities must (1) comply with the child's existing service or safety plan and (2) be age or developmentally appropriate based on a reasonable and prudent parent standard. If applicable, the child's parent or guardian must be given an opportunity to provide input in the development of the child's service or safety plan.

The DCF commissioner must (1) establish department policy to guide caregivers on the reasonable and prudent parent standard and (2) notify each caregiver of this policy. The policy must list factors for the caregiver to consider before allowing a child to participate in age or developmentally appropriate activities, including the child's age, maturity, mental and physical health, developmental level, behavioral propensities, and aptitude.

A DCF representative, during home visits and meetings with parents, must document the child's (1) interest in and pursuit of normal age and developmentally appropriate childhood activities and (2) participation in such activities in the child's service and safety plans. The representative must also communicate to the caregiver the parents' opinions on the child's participation in normal childhood activities so that the caregiver may consider them when providing the child's care.

Definitions

For purposes of these provisions, the act defines:

1. a "caregiver" as a (a) DCF-licensed foster care provider, (b) person approved by a licensed child-placing agency to provide foster care, (c) relative or fictive kin caregiver (see definition below), or (d) licensed child-placing agency operator or official;
2. "reasonable and prudent parent standard" as careful and sensible parental decisions that maintain a child's health, safety, and best interests; and
3. "age appropriate or developmentally appropriate" as (a) activities or items generally accepted as suitable for children of the same age or maturity level or determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities typical for his or her age or age group or (b) in the case of a specific child, activities or items that are suitable based

on his or her cognitive, emotional, physical, and behavioral capabilities.

Liability

The act immunizes the department, caregiver, child-placing agency, child care facility, or any other state-contracted private entity from liability for any injury a child sustains as the result of a caregiver allowing him or her to participate in normal childhood activities under these provisions, unless the injury was the result of the caregiver's or entity's gross, willful, or wanton negligence. This provision of the act does not remove or limit existing liability protection.

Private Contractor Policies

The act requires that private entities that contract with DCF to place children in department custody have policies consistent with the above provisions. The policies are not consistent if they are incompatible with, contradictory to, or more restrictive than, these provisions.

§§ 2-4, 14, & 19 — PERMANENCY PLANS

The law requires DCF to establish and periodically revise permanency plans for children committed to its care or custody. These include abused and neglected children, delinquents, and children in its voluntary services program (i.e., children whose mental health needs could not otherwise be met). The act makes several changes in the requirements for these plans.

Goals

Under prior law, a child's permanency plan could include certain goals, depending on the grounds for commitment. In general, these goals included parental or guardian reunification; guardianship transfer; long-term foster care with a licensed relative (or if the child is a delinquent, permanent placement with a relative); or adoption and termination of parental rights. If the DCF commissioner documented compelling reasons why these goals were not in the child's best interest, the court could instead order another planned permanent living arrangement, such as an independent living program or long-term foster care with an identified foster parent.

The act eliminates (1) permanent placement with a relative from the list of allowable permanency plan goals for delinquents and (2) long-term foster care with a licensed or certified relative as a permanency plan goal for children committed to DCF voluntarily or for abuse or neglect (although DCF must still make efforts to place a child with a relative under other permanency plan provisions, as described below). It also limits the

permanency plan goal of "another planned permanent living arrangement" to children age 16 or older.

Under the act, if such a child's permanency plan goal is another planned permanent living arrangement, DCF must document for the court the:

1. manner and frequency of its efforts to return the child to his or her home or a secure placement with a fit and willing relative, legal guardian, or adoptive parent and
2. steps it has taken to ensure the (a) child's foster family home or child care institution is following a reasonable and prudent parent standard and (b) child has regular opportunities to engage in age and developmentally appropriate activities.

Child Involvement in Planning Process

The act requires DCF to consult with any child age 12 or older in its custody when developing or revising the child's permanency plan. The act allows the child to consult with up to two people who participate in his or her case plan, but not his or her foster parent or caseworker. One of the consultants may be designated the child's permanency plan development and revision advisor.

The child must, if possible, also identify up to three adults with whom he or she has a significant relationship who may serve as permanency resources. These adults' names must be recorded in the child's case plan.

Additionally, if the child is age 12 or older, the DCF commissioner must notify the parent or guardian, foster parent, and child of any administrative case review of the child's commitment at least five days before the review and make a reasonable effort to schedule the review at a time and location that allow all the parties to attend.

The act specifies that the court must ask the child or youth at the permanency plan hearing about his or her desired outcome. If the child or youth is unavailable, the child's attorney must consult with the child and report to the court the child's desired outcome. Additionally, if the child is age 16 or older and the goal in his or her plan is another planned permanent living arrangement, the act requires the court to:

1. determine that, as of the hearing date, such arrangement is the best permanency plan for the child and
2. document the compelling reasons why it is not in the child's best interest to return home or be placed with a fit and willing relative, legal guardian, or adoptive parent.

Case Plan Requirement

By law, the commissioner must prepare and maintain a written plan for each child under her supervision, providing for the child's care, treatment, and permanent placement. It must include a diagnosis of the child's problems and a permanent placement goal. The act eliminates from the permissible list of plan goals (1) long-term foster care with an identified individual and (2) another planned permanent living arrangement. It adds to the allowable plan goals, for a child age 16 or older, another planned permanent living arrangement. The act specifies that this plan is the child's case plan.

Report Requirement

The act requires DCF, by January 1, 2016, to begin annually reporting to the Children's and Judiciary committees on the number of case plans in which children have identified adults with whom they have a significant relationship and who may serve as a permanency resource.

§§ 5 & 6 – FICTIVE KIN CAREGIVERS AND CHILD PLACEMENT

The act renames "special study foster parents" as "fictive kin caregivers" and narrows the category of individuals who qualify as such. Under prior law, a special study foster parent was a person age 21 or older not licensed by DCF to provide foster care. Under the act, a fictive kin caregiver must additionally (1) be unrelated to the child by birth, adoption, or marriage; (2) have an emotionally significant relationship with the child similar to a family relationship; and (3) not be approved by DCF to provide foster care.

Previously, DCF could place a child in foster care with a person if (1) he or she was licensed by DCF or DDS to provide such care or (2) his or her home was approved by a licensed child placing agency. The act additionally allows DCF to place a child in foster care with a person approved to provide foster care by a child-placing agency, which conforms to current practice.

Previously, DCF could also place a child, if it was in his or her best interest, with (1) an unlicensed relative; (2) a nonrelative who is related to the caregiver and a relative of the child's sibling; or (3) a special study foster parent. The act eliminates the last two placement options but allows placement with a fictive kin caregiver if it is in the child's best interest. The fictive kin caregiver is subject to the same home visitation, criminal background check, and licensure requirements already in law for special study foster parent placements.

Reasonable and Prudent Parent Standard

The act requires relative and fictive kin caregivers and licensed or approved foster care providers to use a reasonable and prudent parent standard (defined above) on the child's behalf. Licensed child care facilities must designate an on-site staff member to apply this standard.

§§ 7-10 – GUARDIANSHIP SUBSIDY

Eligibility

The act shortens the name of the Adoption Subsidy Review Board to the Subsidy Review Board and makes several conforming changes. It also eliminates the licensure requirement for the board member representing a child-placing agency and his or her alternate.

The act broadens eligibility for DCF's subsidized guardianship program. The program provides subsidies to licensed foster care relatives who have cared for a child for at least six months because the child's parent died or was otherwise unable to care for the child for reasons that make parental reunification and adoption not viable options in the foreseeable future.

The act makes fictive kin caregivers and foster care providers approved by licensed child-placing agencies eligible for the subsidized guardianship program under the same circumstances.

Subsidy Transfers

The law allows the transfer of a guardianship subsidy from one relative caregiver to another if the subsidy recipient dies or becomes severely disabled or ill. The act additionally allows such transfers to and from fictive kin guardians and licensed foster care providers as well as relative caregivers (i.e., successor guardians). Under the act, to be eligible for the subsidy transfer, the successor guardian must (1) be the child's court-appointed legal guardian, (2) be identified in the subsidy agreement or any related addendum, and (3) meet DCF's foster care safety requirements.

By law, the subsidy may continue until the child turns age (1) 18 or (2) 21 if he or she (a) attends a secondary school, technical school, or college full-time; (b) is in a state-accredited job training program; or (c) meets other federal law requirements. Under the act, the subsidy may be provided to a guardian, subject to annual review, through the child's 21st birthday if the:

1. guardianship transfer was finalized after September 30, 2013;
2. child was at least age 16 when the transfer was finalized; and

3. child is (a) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential, (b) enrolled full-time in a postsecondary or vocational institution, or (c) participating full time in a commissioner-approved program or activity designed to promote or remove barriers to employment.

The act allows the commissioner, at her discretion, to waive the enrollment or participation requirements based on compelling circumstances. In order to receive the transferred subsidy, the guardian must submit to the commissioner a sworn statement that the child is still meeting the education or participation requirement, unless the requirement was waived. The guardian must do so at the time of the commissioner's annual review.

The act also requires the commissioner, at least 30 days before terminating or reducing a guardianship subsidy, to provide written notice to the subsidy recipient and a hearing before the Subsidy Review Board. The subsidy must continue unmodified until the board issues a decision on any appeal.

§ 18 – POSTADOPTION ARRANGEMENTS

Cooperative Postadoption Agreements

The act broadens the circumstances in which birth parents and an intended adoptive parent may enter into a postadoption agreement on communication or contact between the birth parents and adopted child. Previously, the parties could enter into such an agreement only if (1) the child was in DCF custody, (2) an order terminating parental rights had not been entered, and (3) at least one birth parent agreed to voluntary parental rights termination. The act eliminates the requirement that the child be in DCF custody.

Postadoption Sibling Visitation

By law, both the Superior Court and probate court have authority to preside over adoption petitions. For those that take place in probate court, the act requires the court to consider if post-adoption communication or contact with a sibling is appropriate for each child who is the subject of an adoption petition. The communication or contact may include visitation, written correspondence, or telephone calls. If the court determines post-adoption communication or contact is in the child's best interest, it must order that the child have access to and visitation rights with his or her sibling until the child turns age 18. When making that determination, the court must consider the child's and sibling's:

1. age and the extent of their existing relationship;
2. physical, emotional, and psychological needs, including any special needs and their stability; and
3. opinions about such post-adoption communication or contact.

The court must also consider (1) the adoptive parent's opinion about post-adoption communication or contact; (2) expert opinions, including from anyone who provided services to the child or sibling; (3) long-term plans for the child and sibling; and (4) any relevant logistical concerns.

Any decision the court makes about sibling visitation must be included in the final adoption order but does not affect the adoption's validity or limit the court's authority to enforce its orders.

The act allows an adoptive parent, at any time, to petition the probate court to review its decision on post-adoption sibling communication or contact. The court, on receiving the petition, must review its determination using the factors described above and may order that the communication or contact be terminated or modified if doing so is in the child's best interest. The court may order the parties to engage in mediation if any dispute arises during the review. The act prohibits the court from increasing communication or contact between the adopted child and his or her sibling unless the court (1) receives the adoptive parents' consent and (2) inquires about and considers the child's opinion about the increase.

§ 19 – TERMINATION OF VOLUNTARY SERVICES

Under prior law, the commissioner could not terminate a child's or youth's voluntary admission to the department without first giving reasonable written notice to the (1) child's parent or guardian, if the child was under age 14, and (2) child, if age 14 or older, or youth. The act expands the notice requirement to include parents or guardians of children age 14 or older. If the commissioner previously petitioned the probate court for a determination of whether continued DCF care is in the child's or youth's best interest, the act additionally requires the commissioner to notify the probate court of the petition before terminating voluntary services.

Termination Hearing

The act creates a hearing process for individuals who believe they are harmed by a DCF decision to terminate voluntary services. It allows parents or guardians, or a child age 14 or older, to seek (1) an administrative hearing according to regulations the commissioner must adopt under the act (see below) or

(2) a probate court hearing.

If the probate court finds DCF terminated voluntary services according to DCF regulations, it must uphold the termination. If the court finds DCF terminated the services in violation of its regulations, it may order that services continue, and specify a time to determine a new case service plan (for people receiving services at home) or permanency plan (for people receiving out-of-home services).

Adoption of Regulations

The act expands the commissioner's existing regulatory authority by requiring her to adopt regulations on (1) application for and termination of voluntary admission; (2) the granting or denial of voluntary services; and (3) all informal administrative case reviews, regardless of whether the review is requested.

§ 19 – INTER-DEPARTMENT TRANSFERS

The act allows the DCF commissioner to transfer a child or youth receiving voluntary services to the supervision of DMHAS or DDS, in collaboration with the appropriate commissioner. The DCF commissioner must provide written notice of her intention to make such a transfer to the (1) child age 14 or older or youth and his or her parent or guardian at least 10 days before the transfer and (2) probate court if she has already petitioned the court for a determination of whether continued DCF care is in the child's best interest.

The DCF commissioner may continue to provide services to the child or youth in collaboration with the department to which the child is transferred or terminate services if, in her discretion, the other department provides adequate services. She must provide written notice of her intention to terminate services in these circumstances to the (1) child, if he or she is age 14 or older, or youth; (2) child's or youth's parent or guardian; and (3) probate court if she has already petitioned the court for a determination of whether continued DCF care is in the child's best interest.

§ 19 – CASE SERVICE PLANS

By law, DCF must have a case service plan for any child receiving voluntary services who is not in an out-of-home placement. The act specifies that the commissioner is not required to file periodic motions to review the plan, but it allows the commissioner, parents or guardians of a child or youth, child age 14 or older, or youth, to compel the probate court to conduct a hearing to review a case service plan.

Under the act, the court may also conduct such a hearing on its own if it has imminent concerns for the child's or youth's health or safety. The court must notify the commissioner; child age 14 or older, or youth; and the child's or youth's parents or guardians, as appropriate, of the time and place of the hearing at least 10 days before the hearing.

The court must approve a case service plan that is in the child's or youth's best interests. The child's or youth's health and safety must be the court's primary concern in formulating the plan. At the hearing, the court must consider:

1. the plan's appropriateness for the child or youth, and his or her family;
2. the treatment and support services offered and provided to the child or youth to strengthen the family; and
3. any further efforts that have been or will be made to promote the child's or youth's best interests.

At the end of the hearing, the court may direct services to be (1) continued or (2) modified to reflect the child's or youth's best interests.

§ 15 – RECORDS DISCLOSURE

The act expands the circumstances under which DCF must disclose records about a person to specified parties without the person's consent. Under the act, DCF must disclose records without such consent to any individual or entity to identify resources that will promote a child's or youth's court-approved permanency plan.

The act also requires DCF to make such disclosures to the public school superintendent or head of a public or private child care institution or private school pursuant to the child's permanency plan.

§§ 5 & 16 – CRIMINAL RECORDS CHECKS

By law, DCF must, among other things, (1) require all applicants for employment with DCF or foster care licensure to submit to state and national criminal history records checks and (2) check the child abuse registry for the applicant's name. The act broadens the entities that must submit to the criminal history and registry checks to include:

1. all vendors or contractors and their employees who provide direct services to children in DCF custody or have access to DCF records and
2. at the commissioner's discretion, anyone age 16 or older who is not living in the household but has regular unsupervised access to a child (i.e., periodic interaction in the home to provide child care or medical or other services) in the home of a person seeking foster care

licensure or approval. (The act also specifies that applicants may be eligible to foster a child if they are licensed by DCF or approved by a DCF-licensed child care facility.)

The act also requires the following individuals to submit to a state and national criminal history records check before a foster care license or approval may be renewed:

1. the person seeking a foster care license or approval renewal and anyone age 16 or older living in such person's household and
2. at the commissioner's discretion, anyone age 16 or older who is not living in the household of the person seeking licensure or renewal but who has regular unsupervised access to a child in the home.

§ 20 — COURT TRANSFERS

The act requires attorneys to continue representing their clients when a case is transferred from the probate court to the Superior Court for Juvenile Matters (juvenile court) unless (1) the probate court grants a motion to withdraw, which the attorney must file, within five days of the transfer motion's filing, (2) the juvenile court grants a motion to withdraw, or (3) another attorney files an "in lieu of" (in place of) appearance on behalf of the client.

The juvenile court must assign an attorney from the Public Defender Services' list of assigned counsel for a (1) party who cannot afford counsel or (2) child subject to the court proceedings. The act requires the Public Defender Services Commission to pay the attorney.

As is required under current court rules, the act requires the Public Defender Services Commission to pay probate court-appointed attorneys who continue their representation in juvenile court according to the commission's policies and pay schedule. The act also allows the juvenile court to request that the Division of Public Defender Services contract with probate counsel for these purposes.

§ 11 — RELATIVE NOTIFICATION OF CHILD'S REMOVAL FROM PARENTAL CUSTODY

Under prior law, DCF had to use its best efforts to notify a child's grandparents within 15 days of the child's removal from the parents' home. The act instead requires DCF to make a reasonable effort to provide notice within 30 days to the grandparents as well as to (1) each parent with legal custody of one or more of the child's siblings and (2) any other adult related to the child by blood or marriage. "Sibling" includes a stepbrother, stepsister, half-brother, half-sister, or anyone else who would be considered the child's sibling if not for parental rights termination or disruption,

including the parent's death.

The commissioner's notice must include a:

1. statement that the child has been removed from parental custody;
2. summary of the relative's rights under federal and state law to participate in the child's care and placement, including any options that may be deemed waived if the recipient fails to respond;
3. description of requirements to become licensed or approved as a foster family home and additional supports and services available for a child placed in the home; and
4. description of how the child's caregiver may enter into an agreement with DCF to receive foster care subsidies.

§ 13 — REPORT OF MISSING OR ABDUCTED CHILD

The act requires DCF to report any child committed to its custody who is abducted or missing to the law enforcement authority with jurisdiction over the location where the child was abducted or reported missing. DCF must also report immediately, or within 24 hours after the child is missing or abducted, to the FBI's National Crime Information Center and the National Center for Missing and Exploited Children.

§ 12 — CREDIT REPORTS

The act broadens the age range for children in DCF custody and in foster care on whose behalf the commissioner must annually request a free credit report, from age 16 and older to age 14 and older. By law, DCF must review the reports for signs of identity theft, provide it to the child's attorney or guardian ad litem for review, assist a child in resolving any inaccuracies in the report, and report any evidence of identity theft to the chief state's attorney within a specified timeframe.

§ 17 — DATA COLLECTION

The law requires DCF to annually report to the Children's Committee data sufficient to demonstrate compliance with certain sibling visitation statutes. The act specifies that the data in the report must include the (1) total annual number of children in out-of-home placements who have siblings, (2) total number of child cases with documented sibling visitation, and (3) number of siblings involved in each case.

BACKGROUND

Preventing Sex Trafficking and Strengthening Families Act

The federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) makes several changes in the requirements child foster care and adoption agencies must meet to receive certain federal funds. Among other things, the act requires these agencies to:

1. develop a reasonable and prudent parent standard for a foster child's participation in certain activities,
2. limit certain permanency plan goals to children age 16 or older,
3. allow children age 14 and older to participate in certain aspects of case planning, and
4. immediately report missing or abducted children to the FBI.

PA 15-208—HB 6725
Committee on Children
Public Health Committee

AN ACT CONCERNING ANIMAL-ASSISTED THERAPY SERVICES

SUMMARY: This act makes several changes in the law concerning animal-assisted therapy services, including changes in the definitions in the law.

It requires the children and families (DCF) commissioner, in consultation with the agriculture commissioner and within available appropriations, to develop a protocol to identify and mobilize animal-assisted critical incident response teams statewide, instead of to identify a canine crisis response team as required under prior law. The act extends the deadline for this requirement by two years, from January 1, 2014 to January 1, 2016.

It requires the teams to be available to provide animal-assisted activities, not just animal-assisted therapy. As under prior law, the teams must operate on a volunteer basis and be available on 24 hours' notice.

The act also eliminates a requirement that the DCF commissioner, within available appropriations and in collaboration with the Governor's Prevention Partnership and the animal-assisted therapy community, develop a crisis response program using the services of the canine crisis response team. The act instead requires the commissioner, in consultation with the animal-assisted activity community and within available appropriations, to develop by July 1, 2016 a protocol to identify and credential animal-assisted activity organizations and animal-assisted therapy providers in

the state. This protocol must provide animal-assisted activities and therapy, not just animal-assisted therapy as under prior law, for children and youths living with trauma and loss.

Additionally, the act extends, from January 1, 2014 to January 1, 2016, a requirement that the DCF commissioner, within available appropriations, develop and implement training for certain department employees and healthcare providers on the (1) healing value of the human-animal bond for children, (2) value of therapy animals in dealing with traumatic situations, and (3) benefits of animal-assisted activities and animal-assisted therapy (rather than the benefits of an animal-assisted therapy program, as required by prior law).

The act also makes minor and technical changes.

EFFECTIVE DATE: Upon passage

DEFINITIONS

New Definitions

The act defines:

1. "animal-assisted activity" as any activity that involves a team consisting of a registered handler and therapy animal interacting with people in Connecticut;
2. "animal-assisted critical incident response team" as a team of registered handlers and therapy animals that (a) has been identified by DCF and (b) can provide animal-assisted activities to individuals during and after traumatic events;
3. a "registered handler" as a person screened, trained, and registered by a national animal therapy organization to engage in animal-assisted activities, provide animal-assisted therapy, or both;
4. a "therapist" as a licensed (a) physician who specializes in psychiatry, (b) psychologist or professional counselor, (c) marital and family therapist, or (d) clinical or master social worker; and
5. a "therapy animal" as any animal trained to comfort people who have (a) experienced mental, physical, or emotional trauma; (b) witnessed, or been a victim of, a violent act; or (c) behavioral health care needs.

Definition Changes

The law previously defined "animal-assisted therapy community" as local or regional entities capable of providing animal-assisted therapy to people in Connecticut. The act changes the term to "animal-assisted activity community" and broadens the definition to include local or regional entities capable of

providing animal-assisted activities to these people.

The law also previously defined “animal-assisted activity organization” as an entity involved in training, evaluating, and registering members for the animal-assisted therapy community. The act broadens the definition to include an entity involved in any of these functions for the animal-assisted activity community.

Additionally, the law previously defined “animal-assisted therapy” as goal-directed intervention in which animals are an integral part of the crisis response process to aid individuals who have experienced mental, physical, or emotional trauma. The act specifies that, in addition to the therapy animal, this therapy involves a therapist and may involve a registered handler. The act also broadens the definition to include therapy for individuals who (1) witnessed or were victimized by violence or (2) have behavioral health care needs.

PA 15-221—sSB 312

*Committee on Children
Education Committee*

AN ACT CONCERNING THE PROTECTION OF PARTICULARLY VULNERABLE CHILDREN

SUMMARY: This act requires the Child Fatality Review Panel to (1) review current practices, policies, and procedures protecting children up to age three from unexpected death or critical injury and (2) by October 1, 2016, submit a report to the Education and Children’s committees on the effectiveness of the practices, policies, and procedures in providing such protection. The report must include recommendations on administrative or legislative action needed to better protect these children.

The act also requires the Office of the Child Advocate, in consultation with the review panel, to study the rates and causes of child fatalities in the state.

Starting by July 1, 2016, the child advocate must report annually on the rates and causes of state child fatalities to the Children’s and Education committees. The committees must hold a joint public forum on the child advocate’s findings within 60 days of receiving the annual report.

EFFECTIVE DATE: Upon passage

PA 15-232—SB 843

*Committee on Children
Education Committee*

AN ACT CONCERNING TRAUMA-INFORMED PRACTICE TRAINING FOR TEACHERS, ADMINISTRATORS AND PUPIL PERSONNEL

SUMMARY: By law, local and regional boards of education must provide in-service training on certain topics (e.g., CPR, bullying prevention) for certified teachers, administrators, and other pupil personnel. The State Board of Education (SBE), within available appropriations and using available materials, must assist and encourage the school boards to provide in-service training on additional topics (e.g., mental health first aid training).

This act requires SBE to assist and encourage school boards to also include training on trauma-informed practices for the school setting, so that school employees can more adequately respond to students with mental, emotional, or behavioral health needs. The act does not define “trauma-informed practices.”

EFFECTIVE DATE: October 1, 2015

PA 15-55—HB 6917
Commerce Committee

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO COMMERCE-RELATED STATUTES

SUMMARY: This act corrects references in the economic development statutes.
EFFECTIVE DATE: Upon passage

PA 15-65—HB 6833
Commerce Committee

AN ACT CONCERNING THE QUALIFICATIONS AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF MILITARY AFFAIRS

SUMMARY: This act (1) requires that a person achieve the rank of field grade or senior officer, instead of the lower rank of officer, to be the Office of Military Affairs executive director, and (2) modifies the director’s duties.

To reflect existing practice, the act expands the director’s duties to include (1) advocating for service members and their families to other state agencies, (2) initiating and sustaining collaborative partnerships with local military commanders, and (3) consulting with the Department of Economic and Community Development on proposed financial assistance agreements with defense and homeland security firms.

It eliminates requirements that the director: (1) support the development of a defense and homeland security industry cluster, (2) establish and coordinate a Connecticut Military and Defense Advisory Council to provide technical advice and assistance, and (3) oversee the implementation of the recommendations of the Governor’s Commission for the Economic Diversification of Southeastern Connecticut.

The act also makes two minor changes to the director’s duties. Prior law required the director to act as a liaison to consultant lobbyists hired by the state to monitor federal Base Realignment and Closure (BRAC) activities. The act instead requires the director to coordinate the activities of consultants hired by the state during BRAC. The act also specifies that the director’s duty to enhance military members’ quality of life pertains to those stationed in or deploying from Connecticut.

EFFECTIVE DATE: October 1, 2015

PA 15-151—HB 5660
Commerce Committee

AN ACT CONCERNING THE RETURN OR USE OF UNUSED GRANT AWARDS FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

SUMMARY: This act requires the Department of Economic and Community Development (DECD) to include in grant agreements a date by which a grant recipient must either (1) return unused grant funds to DECD or (2) apply to DECD for authorization to use the funds for another purpose.
EFFECTIVE DATE: October 1, 2015

PA 15-193—sHB 6830
Commerce Committee
Environment Committee

AN ACT CONCERNING THE REMEDIAL ACTION AND REDEVELOPMENT MUNICIPAL GRANT PROGRAM, THE TARGETED BROWNFIELD DEVELOPMENT LOAN PROGRAM AND THE REMEDIATION OF STATE-OWNED AND FORMERLY STATE-OWNED BROWNFIELDS

SUMMARY: This act makes programmatic changes in several Department of Economic and Community Development (DECD) brownfield remediation programs.

It adds new components to the Municipal Brownfield Grant program, which provides grants to municipalities and economic development agencies for assessing and remediating contaminated property. One component allows DECD to make additional grants needed to complete an ongoing project. The other allows DECD to make grants for preparing comprehensive plans to remediate and redevelop multiple brownfields. The act precludes recipients under the existing and the new components from lending grant proceeds to brownfield developers.

The act increases maximum loan amounts under the Brownfield Loan Program from \$2 million per year for up to two years to \$4 million per year for an unlimited number of years. It also exempts developers, under a narrow condition, from participating in a state voluntary cleanup or liability relief program. The loan program finances investigation and assessment and remediation costs.

The act makes it easier for developers that acquire brownfields they did not contaminate to participate in DECD's program that protects them from liability to the state and third parties. It does so by specifying that the duty to investigate the property's prior ownership and use is tied to the standards that are in effect when they acquire the property.

Lastly, the act expands the range of brownfields DECD can remediate and market to include those the state owned and transferred to other parties (i.e., formerly state-owned brownfields). It allows DECD to select these brownfields for its brownfields priority list, which was limited to those the state owns. The act makes other changes that expand the range of state-owned brownfields eligible for remediation and marketing. It also makes a conforming technical change. EFFECTIVE DATE: July 1, 2015

BROWNFIELD REMEDIATION PROGRAMS

§ 1 — Municipal Brownfield Grant Program

The act makes programmatic changes in the Municipal Brownfield Grant program, which provides up to \$4 million in grants to municipalities and economic development agencies, including nonprofit regional development corporations and councils of government, for assessing and remediating contaminated property.

It allows the DECD commissioner to award an additional grant if she and the Department of Energy and Environmental Protection (DEEP) commissioner identify the project as a priority for remediation, and the grant:

1. will be used to cover unexpected cost overruns or fund cleanup activities that increase the project's environmental benefits,
2. does not exceed 50% of the original grant, and
3. will not increase the project's total grant funding to more than \$4 million.

The act also allows the commissioner to award grants to municipalities, economic development agencies, and regional councils of governments to prepare comprehensive plans for cleaning up and redeveloping multiple brownfields. These grants may cover the costs of preparing the plans and associated expenses. The plans must be consistent with the state and local plans of conservation and development.

In addition to adding the new grant components, the act precludes municipalities and economic development agencies from lending grant proceeds to a brownfield redeveloper. Prior law allowed them to do so when the:

1. municipality or agency and developer jointly applied for the grant and identified within 90 days how the remediated brownfield would be used and

2. developer agreed to clean up the property under specified DEEP voluntary remediation or DECD liability protection programs.

§ 2 — Brownfield Loan Program

The act also makes programmatic changes in DECD's Brownfield Loan Program, which provides loans for investigating and assessing a property's environmental condition and remediating any contamination. It increases the maximum loan amount from \$2 million per year for up to two years to \$4 million per year with no limit on the number of years.

The act sets a narrow condition under which borrowers who are not subject to the Transfer Act may receive loans under the program without having to remediate the brownfield under specified DEEP voluntary cleanup or DECD liability protection programs. (The Transfer Act requires parties involved in the sale or transfer of a potentially contaminated property to assess its environmental condition and remediate it if necessary (CGS § 22a-134).)

The act exempts borrowers from this program requirement if the loan proceeds will be used to abate hazardous building material. The exemption applies only if the loan recipient demonstrates, to the DECD and DEEP commissioners' satisfaction, that the material constitutes the property's only remaining environmental contamination.

§ 5 — Liability Protection Program

The act makes it easier for bona fide prospective purchasers to participate in the DECD program that protects developers from liability to the state and third parties for cleaning up brownfields. To qualify as a bona fide purchaser, a person or entity must establish, by a preponderance of the evidence, certain facts about the acquisition of a brownfield.

Under prior law, purchasers had to show, among other things, that they were complying with national standards for inquiring about a property's previous owners and uses (specifically, the American Society for Testing and Materials' (ASTM) Standard Practice for Environmental Site Assessment Process, E1527-05, as periodically amended). The act instead specifies that purchasers must comply only with those standards that were in effect when they acquired the property.

§§ 3 & 4 — PROGRAM FOR REMEDIATING AND MARKETING STATE-OWNED BROWNFIELDS

The act expands the range of brownfields DECD may remediate and market for private development by allowing it to add brownfields the state had owned and transferred to other parties to its brownfield priority list,

which under prior law was limited to state-owned brownfields that met statutory criteria. Under prior law, DECD had to select five geographically diverse state-owned brownfields from that list for marketing and remediation.

The act gives DECD until January 1, 2016 to add formerly state-owned property to the priority list and further expands the range of eligible state-owned and formerly state-owned brownfields by eliminating the selection criterion that a brownfield must have a predetermined end use. DECD must still use the remaining criteria to select both types of brownfields. At a minimum, DECD must select brownfields that:

1. are economically viable,
2. can be developed in a way that is consistent with the State Plan of Conservation and Development,
3. are located in municipalities where the unemployment rate exceeds the state's average rate,
4. have access to transportation and other infrastructure,
5. require immediate environmental remediation, and
6. can be transferred to a private party without conflicting with any state law or process.

The act also allows DECD to remediate any number of state-owned and formerly state-owned brownfields on the priority list without first identifying a commercial purchaser. Prior law allowed DECD to remediate only one brownfield without first identifying a commercial purchaser.

PA 15-222—sSB 957

Commerce Committee

Finance, Revenue and Bonding Committee

**AN ACT CONCERNING REVISIONS TO THE
REGENERATIVE MEDICINE RESEARCH FUND
AND THE CONNECTICUT BIOSCIENCE
INNOVATION FUND, AND THE
CONSOLIDATION OF CERTAIN FUNDS OF
CONNECTICUT INNOVATIONS,
INCORPORATED**

SUMMARY: This act makes several programmatic and administrative changes to Connecticut Innovations, Incorporated (CI) programs. It:

1. allows CI to award additional forms of financial assistance from the Regenerative Medicine Research Fund (RMRF),

2. eliminates the RMRF's peer review committee and requires RMRF's advisory committee to contract with a third party to select peer reviewers to review financial assistance applications,
3. expands eligibility for financial assistance from the Bioscience Innovation Fund to include businesses in operation between three and seven years,
4. limits Bioscience Innovation Fund eligibility to businesses in certain clinical trial phases, and
5. folds two CI funds into the Connecticut Growth Fund.

EFFECTIVE DATE: July 1, 2015, except provisions on the Bioscience Innovation Fund, which are effective upon passage.

REGENERATIVE MEDICINE RESEARCH FUND

Additional Financing

The act allows CI to provide extensions of credit, loans, loan guarantees, equity investments, or other forms of financing from the RMRF and makes conforming changes. Under prior law, CI could only award grants from the RMRF to eligible entities. By law, eligible entities are nonprofit academic institutions, hospitals conducting biomedical research, and other entities conducting biomedical or regenerative medicine research.

Peer Review

The act modifies the peer review process for RMRF financial assistance applications. Prior law required a five-member peer review committee to review all assistance applications. Peer review committee members were appointed by CI's CEO, served no more than two four-year terms, and were required to adhere to conflict of interest provisions and the public officials' code of ethics.

The act eliminates the peer review committee and requires the RMRF's advisory committee, which oversees the RMRF, to contract with a third party to select peer reviewers to review assistance applications. It also requires the advisory committee, instead of the peer review committee, to establish rating and scoring guidelines for all applications and allows it to consult with the contracted third party to do so.

The act applies to peer reviewers several provisions that applied to the peer review committee under prior law. It:

1. requires peer reviewers to review all financial assistance applications and make recommendations to the RMRF's advisory committee regarding the applications' ethical and scientific merit;

2. requires that peer reviewers (a) understand the medical and ethical implications of, and have practical research experience in, regenerative medicine or related research fields, including embryology, genetics, or cellular biology and (b) work to advance regenerative medicine research;
 3. requires peer reviewers to be cognizant of the National Academies' Guidelines for Human Embryonic Stem Cell Research and use them to evaluate assistance applications; and
 4. allows CI to pay peer reviewers, at a rate it establishes, for reviewing assistance applications.
3. treats any of the funds' outstanding loans, guarantees, and lines of credit as having been made from the Growth Fund and credits any payments received for them to the Growth Fund;
 4. permits CI to make loans from the Growth Fund for any purpose currently allowed from the funds, subject to existing requirements and restrictions;
 5. specifies that loans made from the Growth Fund for the funds' purposes are not subject to certain Growth Fund provisions; and
 6. requires loans from the funds that are pending before and authorized after July 1, 2015 to be made from the Growth Fund.

The act also prohibits peer reviewers from reviewing their own applications, any applications submitted by institutions in which they have a financial interest, or any applications from institutions with which they engage in any business, employment, transaction, or professional activity.

BIOSCIENCE INNOVATION FUND

The act extends eligibility for financial assistance from the Bioscience Innovation Fund to businesses in operation between three and seven years by including such businesses in the definition of "early-stage business." Under prior law, only businesses operating for three or fewer years were considered "early-stage" and thus eligible for the assistance. The act also limits eligibility for financial assistance to those early-stage businesses that have not begun phase II evaluation clinical trials, which are those conducted under an independent peer-reviewed protocol that has been reviewed and approved by the National Institutes of Health or the Food and Drug Administration. By law, an eligible early-stage business must be developing or testing a product or service that is not commercially released or is commercially available in a limited manner.

CONSOLIDATION OF CERTAIN FUNDS

Effective July 1, 2015, the act folds the Business Environmental Clean-Up Revolving Loan Fund and the Environmental Assistance Revolving Loan Fund ("funds") into the Connecticut Growth Fund (see BACKGROUND). In doing so, it:

1. makes the subfunds of the Environmental Assistance Revolving Loan Fund subfunds of the Growth Fund;
2. transfers the funds' cash, notes, receivables, and all other assets, liabilities, appropriations, authorizations, and attributes to the Growth Fund;

BACKGROUND

Business Environmental Clean-Up Revolving Loan Fund

CI may provide loans from the Business Environmental Clean-Up Revolving Loan Fund to businesses for (1) converting vehicles to use alternative fuels or (2) containing, removing, or mitigating spills or other hazards involving oil, petroleum, or other chemicals (CGS § 32-23z).

Environmental Assistance Revolving Loan Fund

CI may provide grants, loans, loan guarantees, and lines of credit to businesses or municipalities for pollution prevention activities from this fund (CGS § 32-23qq).

Connecticut Growth Fund

CI's Connecticut Growth Fund provides capital to businesses important to the state's economic base for a number of purposes, including equipment purchases and working capital (CGS § 32-23v).

PA 15-17—sSB 963
Education Committee

AN ACT CONCERNING A LABOR AND FREE MARKET CAPITALISM CURRICULUM

SUMMARY: This act requires the State Board of Education (SBE), within available appropriations and using available materials, to assist and encourage local and regional boards of education to include in their curricula (1) labor history and law, including organized labor, the collective bargaining process, and existing legal protections in the workplace; (2) the history and economics of free-market capitalism and entrepreneurialism; and (3) the role of labor and capitalism in developing the American and world economies.

By law, SBE must similarly assist and encourage boards of education to include in their curricula topics such as the Holocaust, the Great Famine in Ireland, and African-American History.

EFFECTIVE DATE: July 1, 2015

PA 15-94—sSB 962
Education Committee
Appropriations Committee

AN ACT CONCERNING THE INCLUSION OF CARDIOPULMONARY RESUSCITATION TRAINING, THE SAFE USE OF SOCIAL MEDIA AND COMPUTER PROGRAMMING INSTRUCTION IN THE PUBLIC SCHOOL CURRICULUM

SUMMARY: This act requires public schools to add the following subject areas to their curricula beginning in the 2016-17 school year:

1. as part of the health and safety curriculum, (a) cardiopulmonary resuscitation (CPR) training and (b) instruction on the safe use of social media, such as blogs, video blogs, podcasts, instant messaging, and other electronic user-generated content and
2. computer programming instruction.

The CPR instruction must be based on American Heart Association guidelines for emergency cardiovascular care, including hands-on training in CPR.

The act also allows local or regional boards of education to accept gifts, grants, and donations (including in-kind donations) to purchase equipment or material needed to provide CPR instruction in public schools.

EFFECTIVE DATE: July 1, 2016 for the provision adding new curriculum requirements and July 1, 2015 for the provision about gifts, grants, and donations.

PA 15-96—sSB 1053
Education Committee

AN ACT CONCERNING OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES KINDERGARTEN TO TWO

SUMMARY: This act, with certain exceptions, prohibits local or regional boards of education from imposing out-of-school suspensions or expulsions on students in grades preschool through two. The exceptions are:

1. out-of-school suspensions by boards of education for preschool through grade two students whose conduct is of a violent or sexual nature that endangers others (but a conflicting provision prohibits all out-of-school suspensions for preschool students);
2. expulsions by boards of education for kindergarten through grade two students who possess firearms or certain other weapons or sell or distribute controlled substances; and
3. expulsions by boards of education, state or local charter schools, or interdistrict magnet schools (i.e., “preschool program providers”) for preschool students who possess a firearm on or off school grounds or at school-sponsored activities at preschool programs, in accordance with federal law.

The act prohibits preschools run by charter schools or interdistrict magnet schools from imposing out-of-school suspensions. It also establishes expulsion hearing procedures for students of all preschool program providers.

Additionally, the act requires school-based primary mental health programs administered by boards of education to include a component for systematic early detection and screening to identify children experiencing behavioral or disciplinary problems. (Prior law required the identification of children experiencing early school adjustment problems only.) It also requires the (1) programs to include services to address those problems and (2) education commissioner to consider, as an additional factor when awarding school-based primary mental health program grants to boards of education, the number of children enrolled in grades kindergarten to two who experience behavioral, disciplinary, or early school adjustment problems.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2015

OUT-OF-SCHOOL SUSPENSIONS

Preschool through Grade Two Programs Administered by Boards of Education

The act prohibits boards of education from authorizing out-of-school suspensions for students in preschool through grade two unless the school administration determines during a disciplinary hearing that there is evidence of conduct on school grounds of a violent or sexual nature that endangers others. Under prior law, kindergarten through grade two students could receive an out-of-school suspension for the same reasons as students in grades three through 12 (e.g., posing a danger to persons or property, disrupting the educational process).

The act also simultaneously prohibits boards of education from authorizing any suspensions for preschool students other than in-school suspensions, which conflicts with the above exception permitting out-of-school suspensions for violent or sexual conduct.

Preschool Programs Administered by Charter or Magnet Schools

The act prohibits state or local charter schools or interdistrict magnet schools from authorizing out-of-school suspensions for preschool students for any reason, but it allows them to authorize in-school suspensions for such students.

EXPULSIONS

Kindergarten through Grade Two Students

The act prohibits boards of education from expelling a student enrolled in kindergarten through grade two, unless the student:

1. possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity;
2. possessed such a firearm, instrument, or weapon in the commission of a crime off school grounds; or
3. on or off school grounds, offered a controlled substance for sale or distribution whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell, dispense, offer, or administer is subject to criminal penalties under state law.

As under existing law, such students are subject to mandatory expulsion for one calendar year, which the board may reduce on a case-by-case basis for specified reasons. Under prior law, kindergarten through grade

two students could be expelled for the same reasons as students in grades three through 12 (e.g., dangerous or seriously disruptive conduct).

Preschool Students

The act conforms state law to federal law by requiring boards of education to expel preschool students for one calendar year when the school administration determines during a disciplinary hearing that there is reason to believe that the student possessed a firearm on or off school grounds or at a school-sponsored event (see BACKGROUND). Existing law requires this for students in grades kindergarten through 12. The act also subjects preschool students enrolled in a state or local charter school or interdistrict magnet school preschool program to the same mandatory expulsion requirement. It otherwise prohibits preschool providers from expelling preschool students.

The act allows preschool program providers to modify this mandatory expulsion period on a case-by-case basis. It does not establish criteria for modifying the one-year period.

Preschool Expulsion Hearing Procedures

The act requires preschool expulsion hearings for firearm possession to be conducted by the local or regional board of education, state or local charter school, or interdistrict magnet school providing the preschool program, except that it also allows hearings to be conducted by:

1. the local or regional board of education if a regional education service center or a state or local charter school is the program provider, and such providers have an agreement with the board to do so, or
2. an impartial hearing board established by the preschool program provider.

The act generally conforms preschool expulsion hearing requirements to the requirements in existing law for kindergarten through grade 12 expulsion hearings.

This includes:

1. conducting the hearing in accordance with the Uniform Administrative Procedure Act (UAPA);
2. notifying the student's parent or guardian of the hearing, including providing information about local free or low-cost legal services; and
3. prohibiting preschool students from being expelled without a UAPA hearing, except in an emergency. (If an emergency exists, the hearing must be held as soon after the expulsion as possible.)

The act prohibits preschool program provider employees from serving as members of impartial

expulsion hearing boards but appears to permit local or regional board of education members to serve on impartial preschool hearing expulsion boards. Under existing law for kindergarten through grade 12 students, board of education members cannot be members of an impartial expulsion hearing board.

BACKGROUND

Firearms Requiring Expulsion

The federal Gun Free Schools Act describes the following weapons as firearms that require one calendar year of expulsion:

1. any weapon that can expel a projectile by the action of an explosive;
2. a firearm frame, receiver, muffler, or silencer; or
3. any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC § 921(a)(3)-(4)).

PA 15-97—sSB 1054

Education Committee

Higher Education and Employment Advancement Committee

AN ACT CONCERNING STUDENTS WITH DYSLEXIA

SUMMARY: This act makes several changes to state education law regarding dyslexia, a reading disability. It requires the education commissioner to designate an employee to help parents and local and regional boards of education detect, and intervene on behalf of, students with dyslexia.

The act also requires that teacher preparation programs and in-service training programs include additional dyslexia education and training. By law, prospective teachers must take a curriculum that includes instruction in literacy skills, including the detection and recognition of, and evidence-based interventions for, students with dyslexia. The act requires that the (1) dyslexia education be at least 12 clock hours and (2) student evidence-based interventions be “structured literacy” interventions.

Additionally, boards of education must, under existing law, provide in-service training to teachers in a number of areas, including health and mental health risk reduction education, school violence prevention, and other topics. The act adds to the training (1) the detection and recognition of students with dyslexia and (2) the related evidence-based, structured literacy interventions.

The law requires the State Department of Education (SDE) to develop or approve kindergarten through grade three reading assessments that boards of education must use to identify students reading below proficiency. The assessment must, among other things: (1) measure phonics, phonemic awareness, fluency, vocabulary, and comprehension and (2) be compatible with best practices in reading instruction and research. The act requires that the assessments assist in identifying, in whole or in part, students at risk for dyslexia or other reading-related learning disabilities.

It also extends by two years, from January 1, 2014 to January 1, 2016, the deadline for SDE to develop or approve the reading assessments. The act requires that the assessments be ready for use by school districts for the school year starting July 1, 2016, rather than July 1, 2014. It also extends, from February 1, 2013 to February 1, 2016, the deadline for the commissioner to submit the assessments to the Education Committee.

Under the act, dyslexia has the same meaning as found in SDE’s guidance manual for individualized education programs (IEP) under special education law (*IEP Manual and Forms*, revised January 2015). The manual defines dyslexia as a type of specific learning disability that affects reading, specifically spelling, decoding words, and fluent word recognition. It specifies that dyslexia (1) is neurobiological and is often inconsistent with a student’s other abilities and (2) results from a significant deficit in phonological processing (i.e., difficulty in the ability to manipulate individual sounds of spoken language).

EFFECTIVE DATE: July 1, 2015

PA 15-99—sHB 7019

Education Committee

AN ACT CONCERNING THE MINIMUM BUDGET REQUIREMENT

SUMMARY: This act (1) extends, to FY 16 and FY 17, the minimum budget requirement (MBR) for local education spending; (2) exempts certain high-performing school districts from the MBR; and (3) expands a town’s authority to reduce its MBR under specified circumstances.

The MBR requires towns receiving Education Cost Sharing (ECS) grants to budget a minimum annual amount for education. Prior law allowed a town, with certain limitations, to reduce its MBR if it (1) experienced a decrease in student enrollment, (2) could demonstrate savings through increased efficiencies or regional collaborations, or (3) was a district without a high school that paid tuition for its students to attend high school out of town and the number of high school students declined. Prior law allowed a town to choose

one of these three methods but allowed an additional method not tied to the others: MBR reduction for savings related to closing a school due to declining enrollment.

The act (1) maintains these permitted MBR reductions through FY 17, (2) increases the maximum MBR reduction for drops in student enrollment and establishes a new mechanism for such reductions, and (3) allows a town to reduce its MBR under more than one condition.

The act prohibits alliance district towns from reducing their MBR. (PA 15-5, June Special Session, § 511, specifies the prohibition applies to current or former alliance districts.) Under prior law, the education commissioner could approve an MBR reduction for an alliance district town if it could demonstrate that it had increased its local contribution for education in that fiscal year. Alliance districts are the 30 school districts with the lowest District Performance Index (DPI) (see BACKGROUND) in the state.

It also repeals obsolete language regarding the MBR and the minimum expenditure requirement (the MBR's precursor) and makes a number of technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

MBR FOR FY 16 & 17

The act extends the MBR to FYs 16 and 17, while making several changes to it. Under the act, each town's base MBR is the amount it budgeted for education in the previous fiscal year plus any ECS aid increase received from the state.

The act exempts from the MBR school districts that have DPI scores in the top 10% of all districts statewide.

CHANGES TO MBR REDUCTIONS

Under prior law, towns could reduce their MBR by only one of the methods the law provided (a reduction due to a school closing was exempt from this restriction). These were reductions due to:

1. decreased enrollment,
2. documented savings from increased efficiencies or regional collaboration, or
3. declines in the number of high school students in districts without high schools that pay tuition for their students to attend high school out of town.

The act removes the limit on the number of these MBR reduction methods a town can use.

Reduction Due to Enrollment Decline

Under prior law, a town could reduce its MBR due to an enrollment decrease by \$3,000 for each student no longer enrolled up to a limit of 0.5% of the town's

education budget for the previous fiscal year. The act increases the per student dollar amount to 50% of the school district's net current expenditure (NCE) per resident student.

The act defines NCE per resident student as, in any school year, the NCE (see BACKGROUND) for a school year divided by the town's number of resident students for the same school year. Resident students are the number of students that a school district must educate.

In addition, the act creates a two-tiered mechanism for determining the maximum MBR reduction for declining enrollment based on the percentage of students eligible for free and reduced price lunch (FRPL) under the federal school lunch law. Under this provision, districts with (1) 20% or more of their students qualifying for FRPL can reduce their MBR by up to 1.5% and (2) less than 20% of students eligible for FRPL can reduce their MBR by up to 3%.

The act specifies that the decreasing student enrollment reduction for FY 16 must use the data of record as of January 31, 2015 and consider the decrease in the student count from October 1, 2013 to October 1, 2014. The student enrollment reduction for FY 17 must use the data of record as of January 31, 2016 and consider the decrease in the student count from October 1, 2014 to October 1, 2015.

Potential Additional MBR Reduction

Furthermore, the act allows towns in either FRPL tier to exceed the MBR reduction limits described above if (1) the education commissioner approves, following a review of the proposed reduction, and (2) the town's board of education approves by a vote held at a duly called meeting.

Other MBR Reductions Extended

The act maintains three other types of MBR reductions allowed in FYs 14 and 15 under prior law:

1. A town without a high school that pays tuition to other towns for its resident students to attend there and is paying for fewer students than it did in the previous year can reduce its MBR by the full amount of its lowered tuition payments.
2. A town can reduce its MBR to reflect half of any new and documented savings from (a) increased efficiencies within its school district, as long as the education commissioner approves the savings, or (b) a regional collaboration or cooperative arrangement with at least one other district. This reduction is limited to a maximum of 0.5% of the FY 15 MBR.

3. A town that is permanently closing a school due to declining enrollment at the school in FYs 13 to 16, inclusive, may be granted an MBR reduction for FYs 16 and 17 in an amount to be determined by the education commissioner.

BACKGROUND

DPI

A school district's DPI is its students' weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10 or 11 and science in grades five, eight, and 10 or 11. Under PA 15-5, June Special Session, §§ 326-333, SDE is authorized to revise the performance index for measuring academic achievement.

Net Current Expenditures (NCE)

A district's NCEs are its total education expenditures, excluding (1) student transportation, (2) capital costs supported by school construction grants and debt service, (3) adult education, (4) health services for private school students, (5) tuition, (6) income from federally- and state-aided school meal programs, and (7) fees for student activities (CGS § 10-261(a)(3)).

PA 15-108—sSB 1098

Education Committee

Appropriations Committee

AN ACT CONCERNING TEACHER CERTIFICATION REQUIREMENTS FOR SHORTAGE AREAS, INTERSTATE AGREEMENTS FOR TEACHER CERTIFICATION RECIPROcity, MINORITY TEACHER RECRUITMENT AND RETENTION AND CULTURAL COMPETENCY INSTRUCTION

SUMMARY: This act decreases, from three to two, the years of teaching experience an out-of-state teacher needs to qualify for a professional teacher certificate. Certification is the credential that permits a person to teach in Connecticut public schools.

The act also:

1. allows teacher shortage area applicants to receive 90-day temporary teacher certificates (see BACKGROUND), as the law already allows for those who finish an alternative route to certification (ARC) program;
2. requires the State Department of Education (SDE) to establish or join interstate agreements

to facilitate certification of qualified out-of-state teachers;

3. creates an 11-member minority teacher recruitment task force and requires it to report its findings and recommendations to the Education Committee by February 1, 2016;
4. requires the Office of Higher Education (OHE) to issue an annual demographics report on candidates enrolled in teacher preparation programs;
5. adds training in cultural competency to the teacher preparation and in-service training requirements; and
6. makes technical and conforming changes to teacher certification laws.

EFFECTIVE DATE: July 1, 2015, except the minority teacher recruitment task force section is effective upon passage.

§ 1 — TEMPORARY TEACHER CERTIFICATION AND TEACHER SHORTAGE AREAS

Existing law requires the State Board of Education (SBE) to grant a 90-day temporary teacher certificate to an applicant at the employing board of education's request if he or she, among other things, successfully completes an ARC program. The act requires SBE to also grant such temporary certification to applicants in teacher shortage areas who meet the same criteria (see BACKGROUND). ARC programs allow participants to attain teacher certification without completing a regular teacher preparation program.

Under prior law, the temporary certificate was only available for education endorsement areas of elementary, middle grades, secondary academic subjects, special subjects or fields, special education, early childhood, and administration and supervision. It is unclear if the act expands the types of certification endorsement areas that can be granted, as any shortage area would already be covered by the broad ranges of endorsements in law.

§ 2 — TEACHER CERTIFICATION INTERSTATE AGREEMENTS

The act requires, rather than permits, SDE to establish or join interstate agreements to facilitate certification of qualified out-of-state teachers.

It also requires SBE to issue an initial Connecticut teacher certification to an out-of-state teacher if the applicant:

1. meets all the conditions of the interstate agreement;
2. taught and held an appropriate certification in another state or U.S. territory or possession, including the District of Columbia and Puerto

Rico; and

3. fulfills any appropriate post-preparation assessment the education commissioner requires.

The act eliminates the requirement that these applicants fulfill the SBE-approved teacher testing requirements, instead requiring them to fulfill the commissioner-required assessments mentioned above. The act continues to require applicants to hold at least a bachelor's degree from a regionally accredited college or university but waives the requirement under existing law that they have a subject-area major as defined by SBE.

§ 3 — OUT-OF-STATE TEACHERS AND PROFESSIONAL CERTIFICATION

The act reduces the required teaching experience, from three to two years within the last 10, for out-of-state applicants for professional certification. By law, applicants must meet additional requirements, including holding national board certification and a master's degree in an endorsement area related to the applicant's certification endorsement area. By law, in-state public school teachers must work three years before qualifying for professional certification.

By law, new teachers must complete a beginning teacher program. For in-state private school teachers and out-of-state teachers, the act reduces, from three to two years in the last 10, the experience required in order to be exempt from the program, provided the teacher can show effectiveness as a teacher as SBE determines, which may include a record of improving student achievement.

§ 4 — TEACHER CERTIFICATION REGULATIONS

By law, SBE teacher certification regulations must require applicants for initial certification with an elementary school endorsement to complete a survey course in U.S. history. The act requires the regulations to permit such applicants to substitute a satisfactory evaluation on an SBE-approved subject-area assessment in place of the history course.

MINORITY TEACHER RECRUITMENT

§ 5 — *Minority Teacher Recruitment Task Force and Study*

The act creates an 11-member minority teacher recruitment task force to study and develop strategies to increase and improve the recruitment, preparation, and retention of minority teachers in Connecticut public schools. Under the act, "minority" means an individual whose race is other than white or whose ethnicity is defined by the U.S. Census Bureau as Hispanic or

Latino.

The study must, at a minimum, examine current statewide and school district demographics and review best practices.

Under the act, the six legislative leaders each appoint one task force member, any of whom may be legislators. The House majority leader must appoint a legislator who is a member of the Black and Puerto Rican Caucus.

Additional members are the:

1. education commissioner or her designee;
2. Board of Regents for Higher Education president or his designee; and
3. executive directors of the Latino and Puerto Rican Affairs Commission, African-American Affairs Commission, and Commission on Children, or their respective designees.

Appointing authorities must make their appointments by June 23, 2015 and must fill any vacancies.

The House speaker and the Senate president pro tempore must select the chairpersons from among the task force members. The chairpersons must schedule and hold the task force's first meeting by August 22, 2015. The Education Committee's administrative staff serves as the task force's administrative staff.

The task force must report its findings and recommendations to the Education Committee by February 1, 2016. The task force terminates on the date it submits its report or February 1, 2016, whichever is later.

§ 6 — *Annual Teacher Demographics Report*

The act requires OHE, by July 1, 2015, to begin annually reporting to the Education Committee and SBE on teacher candidate demographics in teacher preparation programs offered at Connecticut colleges and universities. The report must include teacher candidate enrollment by subgroups (e.g., race, ethnicity, and gender) with respect to the recruitment, preparation, and retention of quality minority teachers.

§ 8 — *Expanding Eligible Alliance District Activities to Include Minority Teacher Recruitment*

Existing law requires each alliance district to submit for SDE approval a plan describing how it will use alliance district aid to improve the district's performance. The act adds strategies for attracting and recruiting minority teachers and administrators to the statutory list of possible uses. Alliance districts are the 30 districts in the state with the lowest district performance index, which is the weighted measure of student mastery test scores by district.

§ 7 — ALLIANCE DISTRICTS AND AID FOR NEW EDUCATORS

Prior law required SDE to establish a municipal aid for new educators (MANE) program, within available appropriations, to enable education reform districts to extend job offers to up to five students graduating in the top 10% of their class from in-state public or private teacher preparation programs. The act expands the program to include the 30 alliance districts, instead of just the 10 education reform districts. It also eliminates the five-student cap and allows alliance districts to extend job offers to students graduating from out-of-state programs.

§§ 9 & 10 — TRAINING IN CULTURAL COMPETENCY

The act adds a cultural competency component to teacher preparation programs and in-service training.

By law, prospective teachers must complete a teacher preparation program that includes instruction in classroom and behavior management and children's social and emotional development and learning, among other topics. Additionally, local or regional boards of education must provide in-service training to teachers in a number of areas, including health and mental health risk reduction education and school violence prevention, among others. The act adds cultural competency to the required topics in both areas. This training must include instruction on awareness of student background and experience in order to develop skills, knowledge, and behaviors that enable teachers and students to build positive relationships and work effectively in cross-cultural situations.

BACKGROUND

Teacher Shortage Areas

By law, the education commissioner must annually determine the anticipated teacher shortage areas based on vacancies, retirements, and the expected quantity and quality of new applicants. By law and regulation, shortage area applicants can qualify for a one-year durational shortage area teaching permit, which allows the applicant to teach in Connecticut but is not fully equivalent to a certification.

90-Day Temporary Teaching Certificate

By law, to be granted a temporary certificate, an applicant must:

1. hold a bachelor's degree from an accredited higher education institution with a major either in, or closely related to, the certification endorsement area;

2. pass or qualify for a waiver of the standard competency examination and pass an appropriate subject matter examination;
3. present a written application as the education commissioner prescribes;
4. successfully complete an ARC program;
5. possess an undergraduate or, where appropriate, graduate degree with an overall grade point average of at least a "B"; and
6. present supporting evidence of appropriate experience working with children.

The commissioner may waive the last two requirements upon showing of good cause. The sponsoring board of education must attest that it has a special supervision plan for any holders of 90-day-temporary certificates.

PA 15-133—HB 7018

Education Committee

AN ACT CONCERNING ALTERNATIVE EDUCATION

SUMMARY: This act establishes a statutory definition for "alternative education" and allows local and regional boards of education to provide alternative education to students using space in an existing school or by establishing a new school specifically for this purpose.

The act defines alternative education as a school or program maintained and operated by a local or regional board of education offered to students in a nontraditional setting that addresses their social, emotional, behavioral, and academic needs. It also replaces statutory references to "alternative programs," "alternative school programs," and "alternative high school" with the new definition.

Additionally, the act (1) assigns several new duties to local and regional boards of education, the State Department of Education (SDE), and the State Board of Education (SBE) relating to alternative education and (2) allows two or more boards of education to form cooperative arrangements to provide alternative education.

EFFECTIVE DATE: July 1, 2015

BOARD OF EDUCATION DUTIES

Under the act, if a board of education chooses to provide alternative education, it must comply with state laws on the number and length of school days in an academic year and all other federal and state laws governing public schools.

Additionally, the act requires such boards of education to:

1. post information on their websites about alternative education they may offer, including purpose, location, contact information, staff directory, and enrollment criteria;
2. give all children in the school district who receive alternative education as nearly equal advantages as may be practicable compared with other children in the district; and
3. annually submit a strategic school profile report (see BACKGROUND) for each alternative education school or program under their jurisdiction.

SDE DUTIES

The act requires SDE to perform the following duties:

1. develop alternative education guidelines, including (a) a description of the purpose and expectations, (b) eligibility criteria, and (c) entrance and exit criteria;
2. assign each alternative education school or program an identification code and organization code for collecting, tracking, and monitoring alternative education in the public school information system (PSIS) (see BACKGROUND); and
3. perform an operations and instructional audit for any school selected to participate in the commissioner's network (see BACKGROUND) that inventories, among other things, any alternative education that the school offers to students.

SBE DUTIES

Under the act, SBE must assess alternative education and alternative education opportunities as part of its statewide assessment of disparities among local and regional school districts to make comparisons to relevant national standards or regional accreditation standards. By law, this assessment is required before SBE develops a five-year implementation plan with appropriate goals and strategies to (1) achieve resource equity and equality of opportunity; (2) increase student achievement; (3) reduce racial, ethnic, and economic isolation; (4) improve effective instruction; and (5) encourage greater parental and community involvement in the state's public schools.

BACKGROUND

Strategic School Profile Reports

By law, local and regional boards of education are responsible for creating and submitting these reports to the education commissioner. The reports contain school

and district information about student needs, school resources, student and school performance, and provision of special education services (CGS § 10-220).

PSIS

PSIS is a statewide, standardized electronic database that tracks and reports data on student, teacher, school, and district performance growth. This data is available to local and regional boards of education for evaluating educational performance and growth of teachers and students enrolled in Connecticut public schools (CGS § 10-10a).

Commissioner's Network

The commissioner's network is a group of up to 25 schools selected by the education commissioner for three to five years of intensive state assistance, supervision, and intervention (CGS § 10-223h).

PA 15-134—sHB 7020

Education Committee

Appropriations Committee

AN ACT CONCERNING EARLY CHILDHOOD EDUCATORS AND INITIATIVES

SUMMARY: This act makes a number of changes in the early childhood education statutes. It requires:

1. the Office of Early Childhood (OEC) to (a) quarterly perform and publicly post a trend analysis of regionally accredited bachelor's degree programs in early childhood education or child development, (b) review analysis results when considering whether to approve bachelor's degrees that lack state or regional accreditation, and (c) base such approvals upon trend analysis results (§ 1);
2. local or regional boards of education and regional education service centers operating preschool magnet programs, as well as state or local charter school governing councils offering preschool programs, to obtain National Association for the Education of Young Children (NAEYC) program accreditation beginning in the 2017-18 school year (§ 2);
3. OEC to develop a plan to help state-funded early childhood education program providers implement stricter staff qualifications required by law and submit the plan to the Education Committee by January 1, 2016 (§ 4);

4. OEC to report to the Education Committee, by July 1 annually, on school readiness program providers' compliance with the stricter staff qualification requirements (§ 5);
5. local and regional boards of education to include OEC's preschool experience survey (see BACKGROUND) in their kindergarten registration materials, rather than leave it to the boards' discretion (§ 6); and
6. grandfathering certain school readiness staff into stricter staff qualifications through June 30, 2025 (§ 8).

The act also (1) postpones by two years, from July 1, 2015 to July 1, 2017, the deadline by which certain school readiness staff must meet the first phase of stricter staff qualifications (§ 8) and (2) allows OEC to provide funding, within available appropriations, to local and regional early childhood councils (see BACKGROUND) to implement early care and education and child development programs (§ 3).

It also makes technical and conforming changes. EFFECTIVE DATE: July 1, 2015, except the following provisions are effective upon passage: (1) OEC's plan to help early childhood program providers meet stricter staff qualifications, (2) postponement of these new staff qualifications, and (3) grandfathering of school readiness staff.

§ 1— TREND ANALYSIS

Beginning July 1, 2015, the act requires OEC to collect data on early childhood education or child development bachelor's degree programs from regionally accredited higher education institutions that have not been approved by the (1) Board of Regents for Higher Education (BOR) or (2) Office of Higher Education (OHE) and OEC. The act defines these degree programs as those that have a concentration in early childhood education, including bachelor's degrees in early childhood education, child study, child development, or human growth and development.

Under the act, OEC must use the collected data at least quarterly to conduct a trend analysis to determine (1) whether such degree programs align with NAEYC teacher preparation standards and (2) which courses and concentrations offered as part of these degree programs align with NAEYC teacher preparation standards. OEC must publish the analysis results on its website and review them when considering whether individuals' bachelor's degrees that lack state or regional accreditation have a sufficient early childhood education concentration. If the trend analysis determines that an individual's degree aligns with NAEYC standards, OEC must find that the individual meets the state's school readiness staff qualifications.

§§ 4, 5, & 8 – SCHOOL READINESS STAFF QUALIFICATIONS

§ 8 — *Postponement of Stricter Staff Qualifications*

Existing law imposes stricter school readiness staff qualifications in two phases, but the act delays the first phase by two years to June 1, 2017. The second phase, under existing law unchanged by the act, begins July 1, 2020.

In the first phase, at least 50% of classroom staff in each state-funded school readiness program must hold either a (1) teaching certificate with an endorsement in early childhood education or early childhood special education or (2) bachelor's degree with an early childhood education concentration that is accredited by the state or regionally accredited with state approval. The remaining 50% of the staff must hold an associate's degree in early childhood education, child study, child development, or human growth and development that is accredited by the state or regionally accredited with state approval.

In phase two, 100% of classroom staff in each school readiness program must have either a teaching certificate or bachelor's degree.

§ 8 — *Grandfathering*

Under the act, school readiness staff members are considered to have satisfied the stricter staff qualifications (i.e., are grandfathered) through June 30, 2025 if they have:

1. an associate's degree with at least 12 credits in early childhood education or child development from a higher education institution accredited by BOR or OHE and regionally accredited and
2. been employed by the same school readiness program since at least 1995.

Beginning July 1, 2025, these staff members must hold a childhood development associate credential or an equivalent credential or otherwise meet the law's stricter qualification requirements. If a grandfathered staff member terminates his or her employment with the program on or before June 30, 2025 and accepts a position at another program, he or she must submit documentation to OEC showing progress toward meeting the stricter requirements.

§ 4 — *Staff Qualification Assistance Plan*

The act requires OEC to develop a plan to help state-funded early childhood education program providers implement the stricter staff qualifications the law requires. The plan must include ways to:

1. help school readiness program staff obtain bachelor's degrees with a concentration in early childhood education,
2. increase the salaries of or provide incentives for staff who already hold a bachelor's degree or otherwise meet the stricter qualifications, and
3. retain staff who already hold a bachelor's degree or otherwise meet the new qualifications.

BACKGROUND

Preschool Experience Survey

The law required OEC to develop a preschool experience survey by March 1, 2015. This voluntary survey allows boards of education to collect information on:

1. whether a child enrolling in kindergarten has participated in a preschool program and
2. either the (a) nature, length, and setting of the preschool program in which the child participated or (b) reasons why the child did not participate in a program, including financial difficulty, lack of transportation, parental choice, limited hours of operation, or any other barriers (CGS § 10-515).

Early Childhood Councils

Local and regional early childhood councils develop early childhood policy and program planning, encourage parental involvement, and allocate resources, among other functions (CGS § 10-502).

PA 15-137—HB 6974

Education Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE ACHIEVEMENT GAP TASK FORCE CONCERNING THE CREATION OF A DIRECTOR OF READING INITIATIVES AT THE DEPARTMENT OF EDUCATION

SUMMARY: This act creates a director of reading initiatives position in the State Department of Education (SDE) to:

1. administer the intensive reading instruction program (see BACKGROUND) to improve literacy in kindergarten through grade three and close the achievement gap between student groups;

2. help the education commissioner develop and administer the teacher and principal professional development program about scientifically-based reading research and instruction;
3. administer the reading incentive program and coordinated statewide reading plan for students in kindergarten through grade three (see BACKGROUND);
4. help local and regional boards of education administer reading assessments and implement school district reading plans;
5. provide parents and guardians with information on, and assistance with, reading and literacy instruction;
6. address English language learner reading and literacy issues; and
7. develop and administer any other statewide reading and literacy initiatives for kindergarten through grade 12.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Intensive Reading Instruction

The law requires the education commissioner to create an intensive reading program for kindergarten through grade three and select five low-achieving elementary schools to participate each year. The overall program includes an intensive reading instruction strategy, reading intervention plans, and summer school programs. The goals of these programs are to improve literacy and narrow the achievement gaps between student groups (CGS § 10-14u).

Coordinated Statewide Reading Plan

The law requires SDE to develop a statewide reading plan for students in kindergarten through grade three. The plan must contain research-driven strategies to produce effective reading instruction and improve student performance. Among other things, it must:

1. align K-3 reading instruction and assessment methods with Common Core State Standards;
2. coordinate reading instruction between home and school, creating opportunities for parent involvement; and
3. include incentives for schools that have demonstrated significant reading improvement (CGS § 10-14v).

Incentive Program

The law requires the education commissioner to establish an incentive program to increase the number of students who meet reading goals on Connecticut

mastery tests. The program must demonstrate instruction methods that schools can use to increase the number of students meeting mastery test reading goals by 10%. The commissioner may use incentives such as public recognition, financial rewards, enhanced autonomy, and operational flexibility to reward participating, successful schools (CGS § 10-14w).

PA 15-143—SB 964
Education Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE EDUCATION AND EARLY CHILDHOOD STATUTES

SUMMARY: This act makes numerous technical and grammatical changes in (1) education statutes governing the State Education Resource Center, magnet school operation grants, and safe school climate plans and (2) early childhood statutes governing local school readiness councils, child care providers, the Office of Early Childhood and its programs, child abuse protection, and the early childhood information system. EFFECTIVE DATE: Upon passage

PA 15-145—sSB 1056 (VETOED)
Education Committee
Appropriations Committee

AN ACT CONCERNING THE COLLECTION AND REPORTING OF DATA RELATING TO SPECIAL EDUCATION EXPENDITURES

SUMMARY: This act requires each local and regional board of education, beginning July 15, 2016, to annually report its special education expenditures for the prior fiscal year to the State Department of Education (SDE). Each report must include at least:

1. the board of education's total special education expenditures,
2. such spending as a percentage of total school district expenditures, and
3. individual expenditures for each child requiring special education who is under the board's jurisdiction.

The act exempts these annual reports from the Freedom of Information Act, except for any of their contents that a strategic school profile report, which is a public record, might also contain (see BACKGROUND).

It also requires SDE, annually by October 1, to submit to the Education Committee a report, using the disaggregated data submitted by boards, that details

local and regional board of education special education expenditures for the prior fiscal year. At a minimum, the report must include a breakdown of the total number of special education students in each district whose per-pupil educational cost to the district exceeds its "net current expenditures per resident student" multiplied by (1) two, (2) two and a half, (3) three, (4) three and a half, (5) four, and (6) four and a half. The act does not define "net current expenditures per resident student;" however, existing law defines "net current expenditures" and "resident students" separately. EFFECTIVE DATE: July 1, 2015

BACKGROUND

Strategic School Profile Report

These reports contain school and district information about various topics, such as student needs, school resources, student and school performance, and the provision of special education services. By law, local and regional boards of education must create and submit these reports to the education commissioner (CGS § 10-220).

Related Act

PA 15-99, § 2, defines "net current expenditures per resident student" to mean, in any school year, the net current expenditures for such school year (i.e., total current educational expenditures, with certain exceptions) divided by the number of resident students in the town for that school year.

PA 15-168—sHB 6834
Education Committee
Public Safety and Security Committee

AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND SCHOOL RESOURCE OFFICERS AND THE COLLECTION AND REPORTING OF DATA ON SCHOOL-BASED ARRESTS

SUMMARY: This act requires a local or regional school board that assigns a sworn police officer to a school (i.e., school resource officer) to enter into a memorandum of understanding (MOU) with the local police department or the Division of State Police defining the officer's role and responsibilities. The MOU must address daily interactions among students, school personnel, and police officers and can include a graduated-response model for student discipline (see BACKGROUND). (PA 15-5, June Special Session, § 342, removed the State Police from the requirement and

requires, rather than allows, MOUs to include a student discipline graduated-response model.)

By law, each local and regional school board must submit to the education commissioner an annual strategic school profile (SSP) with certain required data (e.g., student performance and school resources) for each of its schools and the district as a whole. The act additionally requires the boards to submit, as part of their SSP, data on (1) in-school and out-of-school suspensions and expulsions and (2) school-based arrests.

As a separate reporting requirement, the State Department of Education (SDE) must disaggregate the new data required under the act by school, race, ethnicity, gender, age, disability status, English language learner (ELL) status, free and reduced price lunch eligibility, offense type, and number of arrests made annually at each school. By law, an ELL student is someone who a local or regional board of education reports as such to SDE (CGS § 10-76kk).

The act requires SDE to (1) report annually to the State Board of Education on the disaggregation of the data and make the report available to the public on SDE's website and (2) include the disaggregated data of school-based arrests in the statewide public school information system (PSIS). PSIS, by law, already tracks various data related to students, teachers, schools, and district performance.

The act defines a "school-based arrest" as an arrest of a student for conduct (1) on school property or (2) at a school-sponsored event, which is a school activity conducted on or off school property regardless of when it takes place. A student is someone enrolled in a school under the local or regional board of education responsible for submitting his or her information for the SSP.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Graduated-Response Model

The Juvenile Justice Advisory Committee, which advises the governor on juvenile justice and delinquency prevention, developed a model MOU for use between districts and police departments. The graduated-response model in its MOU contains guidelines on classroom intervention; school administrative intervention, assessment, and service provision; and law enforcement intervention.

PA 15-176—HB 6977 (VETOED)

Education Committee

AN ACT ESTABLISHING QUALIFICATIONS FOR THE COMMISSIONER OF EDUCATION

SUMMARY: This act requires the state education commissioner to be a qualified person holding a master's or higher degree in an education-related field with at least the following experience in a school or district in Connecticut or another state: (1) five years as a teacher and (2) three years as an administrator. Under prior law, the commissioner was not required to hold a degree or have any experience as a teacher or school district administrator. By law, the selection process requires the State Board of Education (SBE) to recommend a commissioner candidate to the governor, who then nominates the person and forwards the nomination to the General Assembly for confirmation. The commissioner serves as the head of the Education Department, which is the administrative arm of SBE.

EFFECTIVE DATE: Upon passage

PA 15-177—HB 6978

Education Committee

AN ACT REQUIRING THE COMMISSIONER OF EDUCATION TO DEVELOP AND SUBMIT A COMPREHENSIVE STATE-WIDE INTERDISTRICT MAGNET SCHOOL PLAN

SUMMARY: This act extends, from January 1, 2011 to October 1, 2016, the deadline for the education commissioner to develop and submit to the Education Committee a comprehensive statewide plan for interdistrict magnet schools. (PA 15-5, June Special Session, § 307 requires the commissioner to also submit this report to the Appropriations Committee by the same date.)

By law, and unchanged by the act, the commissioner cannot accept applications to establish new magnet schools outside the *Sheff* region until this plan is developed. Applications for new magnet schools within the *Sheff* region are not subject to this moratorium.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Sheff Region

This region is named after a landmark public school desegregation court case, *Sheff v. O'Neill* (238 Conn. 1 (1996)). It encompasses Hartford and these surrounding towns: Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington,

Glastonbury, Granby, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

Settlement agreements subsequent to the *Sheff* decision rely on voluntary desegregation methods with towns in the *Sheff* region to reduce isolation for Hartford resident minority students.

PA 15-189—SB 1057

Education Committee

AN ACT CONCERNING THE DEVELOPMENT OF A ROLLING THREE-YEAR CAPITAL IMPROVEMENT AND CAPITAL EQUIPMENT PLAN FOR THE TECHNICAL HIGH SCHOOL SYSTEM

SUMMARY: This act requires the State Board of Education to maintain a three-year, rather than five-year, rolling capital improvement and capital equipment plan for the state’s technical high school system. By law, this plan must identify:

1. alterations, renovations, and repairs each technical high school is expected to need, including grounds and athletic fields, heating and ventilation systems, wiring, roofs, and windows, and the cost of these improvements;
2. recommendations for, and the cost of, energy efficiency improvements to each school; and
3. specific equipment each school is expected to need, based on (a) the equipment’s estimated cost, (b) the existing equipment’s useful life, and (c) changing technology projections.

The technical high school system consists of state-operated, regional public high schools that provide hands-on experience in specific career areas, in addition to the standard high school curriculum.

EFFECTIVE DATE: July 1, 2015

PA 15-215—sHB 7023

Education Committee

Appropriations Committee

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes numerous changes in the education statutes, including:

1. decreasing the number of required hearing, vision, and postural screenings for public school students and adding a parental notice requirement that applies when a student does not receive the screening (§ 4);

2. granting agricultural science and technology center (“ag-science center”) internship providers civil liability immunity from students and their parents or guardians for student interns’ personal injuries, unless the injuries are caused by the providers’ gross or willful negligence (§ 10);
3. specifying that the required union representation on a school district’s professional development and evaluation committee include at least one representative chosen by each of the teachers’ and administrators’ unions (§ 11);
4. requiring the Connecticut Technical High School System (CTHSS) board, rather than the State Board of Education (SBE), to (a) adopt its long-range plan and biennial report and (b) maintain a rolling capital improvements plan (§§ 14 & 15);
5. modifying the (a) minimum budget requirement, (b) calculation for net expenses, and (c) teacher tenure law requirements for newly formed regional school districts (§§ 19-21); and
6. creating a process and requirements for the selection and training of school employees who administer anti-epileptic medications to students (§ 22).

The act makes numerous other minor changes to the education statutes.

EFFECTIVE DATE: July 1, 2015, except for the provisions regarding (1) indemnity, (2) appointments to the administrator standards council, and (3) teacher tenure, which are effective upon passage.

§§ 1-3 — SPECIAL MASTER TITLE CHANGE

The act changes the title, from “special master” to “district improvement officer,” of a person SBE assigns to administer education operations in a low-performing district and work collaboratively with the district’s board and superintendent (see BACKGROUND). Also, it makes the same title change for a person the education commissioner can appoint to implement a school turnaround plan under the commissioner’s network of schools program.

§ 4 — VISION, HEARING, AND POSTURAL SCREENINGS

The act decreases the number of mandatory vision, hearing, and postural screenings for public school students. Table 1 lists the changes by screening and grade. Under the act, vision and hearing screenings are offered in the same five grammar school years.

Table 1: Vision, Hearing, and Postural Screenings

Screening	Grades Under Prior Law	Grades Under the Act
Vision	K-6, inclusive, & 9	K, 1, 3-5, inclusive
Hearing	K-3, inclusive, 5 & 8	K, 1, 3-5, inclusive
Postural	5 – 9, inclusive	Female students: 5 & 7 Male students: 8 or 9

By law, the school superintendent must provide written notice to the parents of any student found to have any impairment, disease, or defect of vision or hearing or evidence of a postural problem. The act also requires, in a case where a student does not receive a screening, the superintendent to provide the parents with a statement explaining why the screening did not take place.

§ 5 — INDEMNITY FOR TEACHER MENTORS OR REVIEWERS

The act extends the legal indemnity already given to teachers, administrators, and others to teacher mentors and teacher reviewers. This means these employees are held harmless by their employer (e.g., a board of education) from financial losses for acts or omissions that cause death or injury to another person or property if the employees' acts were (1) not wanton, reckless, or malicious and (2) within the scope of their employment. Employers covered are local or regional boards of education, the governing council of a charter school, SBE, the Board of Regents for Higher Education or the board of trustees of each state institution of higher education, and each state agency that employs teachers.

§ 6 — ADMINISTRATOR PROFESSIONAL STANDARDS COUNCIL

The act extends, from two to four years, the term for future appointments to the Advisory Council for School Administrator Professional Standards.

§ 7 — NATIONAL EXAM AS SUBSTITUTE FOR CERTAIN STANDARD GRADUATION REQUIREMENTS

Existing law requires the State Department of Education (SDE) to establish a program that allows boards of education to permit 11th and 12th grade students to substitute certain evidence of academic achievement for existing high school graduation requirements in order to receive a high school diploma. Under prior law, one of three required components was a passing score on a national examination that SDE determined. The act changes this to a nationally recognized exam that SBE approves.

§ 8 — USE OF AG-SCIENCE CENTER FACILITIES AND EQUIPMENT

The act specifies that for any ag-science center that receives a state grant for its facilities or equipment, the facilities or equipment must be used exclusively by the ag-science center. An ag-science center is a regional high school program, usually embedded in an existing high school, which offers ag-science programs to more than one school district.

§ 9 — MAGNET SCHOOL ENROLLMENT NOTIFICATION

The act requires the parents or guardian of a student who will enroll in a magnet school for the coming year or of a student on a waiting list for a magnet school to notify the student's home school district of the upcoming enrollment or waiting list status. This must be done within two weeks after the magnet school's enrollment lottery (usually held in March or April). Enrollment lotteries are held when a magnet school has more students interested in attending than it has available seats. By law, a magnet school operator must, by May 15, annually notify a student's home district about the student's enrollment in the magnet school for the coming school year and the tuition cost to the district.

§ 10 — AG-SCIENCE CENTER INTERNSHIP PROVIDER LIABILITY IMMUNITY

The act grants to an ag-science center internship provider immunity from civil liability for a student intern's personal injuries, as long as the provider exercises reasonable care and complies with applicable federal, state, and local safety and health standards and industry codes. The immunity applies to ordinary negligence but not to injuries caused by a provider's gross, reckless, willful, or wanton negligence.

To qualify for the immunity, an internship provider must contract with (1) a local or regional board of education that operates an ag-science center in order to provide internships and (2) the board of education otherwise responsible for educating the student intern.

The act defines an internship as a student intern's supervised practical training that includes curriculum and workplace standards approved by SDE and the labor department.

§ 11 — UNION REPRESENTATION ON TEACHER EVALUATION COMMITTEES

The act specifies that the required union representation on a school district's teacher professional development and evaluation committee include at least one representative from each of the teachers' and

administrators' unions.

§ 12 — ADMINISTRATOR ALTERNATIVE ROUTE TO CERTIFICATION (ARC) PROPOSALS

The act broadens the criteria SDE must consider when approving proposed administrator ARC programs submitted by colleges or universities, boards of education, regional educational service centers, or administrator training organizations. Under prior law, SDE could only approve such programs that required applicants to have a minimum of 40 months' teaching experience with at least 10 of those months in a position requiring certification at a public school in Connecticut or another state. The act allows programs to accept applicants who have less than 10 months' teaching experience in a public school in another state while holding a professional certification, as long as they also (1) provide a statement of justification for participation in ARC and (2) receive approval from SDE to participate in the program. Furthermore, the act provides that participants with less than 10 months' certified teaching in another state can comprise no more than 10% of the participants in the proposed ARC program.

By law, any applicant must also meet the following criteria to be eligible for the administrator ARC program:

1. hold a bachelor's degree from an institution of higher education accredited by the Board of Regents for Higher Education, the Office of Higher Education, or a regional accreditation entity and
2. be recommended by an immediate supervisor or district administrator on the basis of the applicant's performance.

§ 13 — SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) NOTIFICATION TO PARENTS OF STUDENTS

The act requires SDE, through local and regional school districts, to provide information about how to qualify for SNAP to public school students' parents and guardians.

The act requires SDE, by October 1, 2015 and in consultation with the Department of Social Services, to provide the following information about SNAP to local and regional boards of education: (1) how to qualify for the program, (2) where to obtain applications, and (3) where to get help completing applications.

For the school year commencing July 1, 2015 and each subsequent school year, each board of education must provide a notice to students' parents or guardians with the SNAP information.

§§ 14 & 15 — CTHSS

The act transfers several of SBE's duties related to technical high schools to the CTHSS board and makes conforming changes.

The act requires the CTHSS board, rather than SBE, to adopt by January 1, 2020 and every five years afterward, a long-range plan addressing the priorities and goals of the CTHSS. The plan must address, among other things, existing and potential trade programs and activities related to capital improvements and equipment. Upon adopting the plan, the CTHSS board must file it directly with the Education; Finance, Revenue and Bonding; and Appropriations committees.

The act requires the CTHSS board, rather than SBE, to maintain a rolling capital improvement and equipment plan and requires it to be a three-year, rather than five-year, plan. The plan must also be directly submitted to these same legislative committees.

The act requires the CTHSS board, rather than SBE, to begin biennially preparing a summary report of the technical high school system that was already required by law and submit it to the Education Committee. It sets a deadline for the first report as January 1, 2017. By law, the report must include demographic information on applicants, students, and graduates for the previous two years and an assessment of student outcomes. The report must (1) analyze the enrollment at any school where the enrollment is less than 70% of capacity; (2) include reasons for the enrollment, such as the interest in the specific trade programs; and (3) include a recommendation on steps to improve enrollment or close the school. The board must also, when preparing the report, provide an opportunity for public comment.

§ 16 — TECHNICAL CHANGE

This section makes a technical change.

§ 17 — LIBRARY INTERNET ACCESS POLICY

The act specifically authorizes boards of education to prescribe rules for Internet access and content at school library media centers. By law, boards of education must make rules for the control of school library media centers under their jurisdiction.

§ 18 — CERTIFIED JUNIOR RESERVE OFFICER TRAINING CORPS (JROTC) SHORTAGE HIRING

By law, a local or regional board of education may employ a person certified by the United States armed forces as a JROTC instructor or assistant instructor to teach in a JROTC program at a public school without obtaining the regular Connecticut teacher certification. Under the act, if a board of education cannot find a

JROTC-certified teacher, it may employ a person enrolled in an armed forces JROTC instructor program to teach the JROTC program at a public school.

§§ 19-21 — NEW REGIONAL SCHOOL DISTRICTS

The act makes changes in education law in three areas for newly formed regional school districts: (1) the minimum budget requirement (MBR), (2) the calculation for net expenses, and (3) teacher tenure law.

MBR

Under the act, the MBR requirement does not apply during FYs 2015-16 and 2016-17 to member towns of a regional school district during the first full fiscal year after the regional district is established. The act specifies the MBR requirement applies again after that fiscal year. The MBR law requires towns to maintain the level of education appropriations in their education budget from one year to the next with limited ability to reduce appropriated amounts due to circumstances such as decreased enrollment. (PA 15-99 increases districts' ability to reduce their MBR in several ways.)

Net Expenses

The act adds an additional way for net expenses to be calculated for the member towns of a regional school district. Under prior law, the net expenses for each member town could only be determined by the number of students that each town sends to the school district. As an alternative method, the act permits net expenses to be determined according to an SBE-approved agreement among the participating towns specifying that if the payment by any member town deviates in an amount greater than or equal to 1% of the amount called for in the agreement, SBE must review and may approve or reject the deviation.

Teacher Tenure

The act makes changes to teacher tenure law to allow tenured teachers working for a local board of education, or under a cooperative agreement pursuant to state law, to be considered continuously employed with no break in service when the school district joins a regional school district. For teachers who are not tenured but working for a local board or under a cooperative arrangement when the school district joins a regional school district, the act provides that the teacher can count towards tenure the previous employment with a local board or cooperative arrangement immediately prior to employment by the regional board.

§ 22 — ANTI-EPILEPTIC MEDICATION ADMINISTRATION

The act creates a process and requirements for the selection and training of school employees to administer anti-epileptic medications to students.

Selection of Administering Employees

The act requires a school's nurse and medical advisor (if any) to choose a "qualified school employee" to administer anti-epileptic medication to a specific student when the school nurse is absent or unavailable if (1) the student's parents or guardians give written authorization and (2) a state-licensed physician gives a written order approving the administration of the anti-epileptic medication.

The act defines "qualified school employee" as a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional. When administering the medication, this person is under the school nurse's general supervision.

Under the act, the designated employee may administer the medication to a student with a medically diagnosed epileptic condition requiring prompt treatment in accordance with the student's individual seizure action plan. Administration may include delivery by rectal syringe. In order to be able to administer the medication, the employee must:

1. annually complete SDE's anti-epileptic medication administration training program, as attested to in writing by the school nurse and school medical advisor;
2. receive monthly reviews by the school nurse to confirm his or her competency to administer the medication; and
3. voluntarily agree to serve in this capacity.

Training of Administering Employees

The act requires SDE to develop an anti-epileptic medication administration training program in consultation with the School Nurse Advisory Council and the Association of School Nurses of Connecticut. The program must include instruction in:

1. an overview of childhood epilepsy and types of seizure disorders;
2. interpretation of an individual student's emergency seizure action plan and recognition of the student's seizure activity;
3. emergency management procedures for seizure activity, including administration techniques for emergency seizure medication;

4. when to activate emergency medical services and post-seizure procedures and follow-up;
5. reporting procedures after a student needs such delegated emergency seizure medication; and
6. any other relevant issues or topics related to emergency interventions for students who experience seizures.

BACKGROUND

Special Master Law

A 2011 law (PA 11-61) required SBE to assign a special master to administer the Windham school district's educational operations to help it achieve adequate yearly progress in reading and mathematics as required by the federal No Child Left Behind (NCLB) Act. (The state is now operating under a federal waiver from NCLB and, therefore, state measures of school and district success have changed.)

Related Act

PA 15-189 also changes the CTHSS rolling capital improvement plan from a five-year to a three-year plan.

PA 15-225—sSB 1058

Education Committee

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING CHRONIC ABSENTEEISM

SUMMARY: This act requires local and regional boards of education to monitor and address absenteeism rates in schools. Specifically, it requires boards of education to (1) establish attendance review teams for their school district or individual schools when chronic absenteeism rates reach a certain percentage and (2) annually report to the education commissioner the number of truant and chronically absent students for each school and the entire district.

The act also requires the State Department of Education (SDE), along with the Interagency Council for Ending the Achievement Gap (see BACKGROUND), to develop a chronic absenteeism prevention and intervention plan by January 1, 2016 for local and regional school boards to use.

Finally, the act expands the children's probate court truancy clinics that, under prior law, were pilot programs limited to the Waterbury and New Haven probate courts. The act instead allows the probate court administrator to establish truancy clinics without pilot limitations within probate courts serving towns

designated as alliance districts (see BACKGROUND).

The act makes several minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2015

ATTENDANCE REVIEW TEAMS

The act requires local and regional boards of education to establish attendance review teams when chronic absenteeism rates in the district or at individual schools in the district reach a certain rate.

Terminology and Formulas

Under the act:

1. an "absence" means either an (a) excused, unexcused, or disciplinary absence or (b) in-school suspension for at least half a school day and
2. a "chronically absent child" means a child whose total number of absences at any time during a school year equals or exceeds 10% of the total days the student has been enrolled during that school year.

The act requires the State Board of Education to define "disciplinary absence" by January 1, 2016 to help boards of education comply with the act and calculate district and school chronic absenteeism rates.

The act calculates chronic absenteeism rates similarly for school districts and individual schools within districts. It calculates a "district chronic absenteeism rate" by dividing the total number of chronically absent children enrolled in a school district in the previous school year by the total number of children enrolled in the district during that time. It calculates a "school chronic absenteeism rate" by dividing the total number of chronically absent children for a school in the previous school year by the total number of children enrolled in the school for that time.

Establishment

Under the act, local or regional boards of education must establish attendance teams under the following circumstances:

1. a team for the district must be established when the district chronic absenteeism rate is 10% or higher;
2. a team for the school must be established when the school chronic absenteeism rate is 15% or higher; and
3. a team for either the district or each school within the district must be established when (a) more than one school in the district has a school chronic absenteeism rate of 15% or higher or (b) a district has a district chronic absenteeism rate of 10% or higher and one or

more schools in the district has a school chronic absenteeism rate of 15% or higher.

Membership

Under the act, attendance review teams may consist of school administrators, guidance counselors, school social workers, teachers, chronically absent children and their parents or guardians, and representatives of community-based programs that address issues related to student attendance by providing programs and services to truants. By law, a “truant” is a child age five to 18 who is enrolled in public or private school and has (1) four unexcused school absences in a month or (2) 10 unexcused school absences in a school year.

Duties

The act requires attendance review teams to meet at least monthly to (1) review the cases of truants and chronically absent children, (2) discuss school interventions and community referrals for truants and chronically absent children, and (3) make any additional recommendations for such children and their parents or guardians.

REPORTING OF CHRONIC ABSENTEEISM

The act adds a new data element to school boards' annual strategic school profile reports to the education commissioner. It requires each local or regional board of education to include in its profile the number of truants and chronically absent children in each school under its jurisdiction and in the entire district, which is more specific than the general truancy data required under prior law.

CHRONIC ABSENTEEISM PREVENTION AND INTERVENTION PLAN

The act requires SDE's chronic absenteeism prevention and intervention plan to include:

1. information describing (a) chronic absenteeism, including the definition of “chronically absent child” and (b) causes of chronic absenteeism, such as poverty, violence, poor health, and lack of access to transportation;
2. information about the effect of chronic absenteeism on a student's academic performance;
3. a description of how family and school partnerships with community resources, such as family resource centers and youth service bureaus, can reduce chronic absenteeism and improve student attendance; and

4. a means of collecting and analyzing data relating to student attendance, truancy, and chronic absenteeism.

The means for data collection and analysis should be for:

1. disaggregating the data by school district, school, grade, and subgroup, such as race, ethnicity, gender, eligibility for free or reduced price lunches, and students whose primary language is not English and
2. assisting local and regional boards of education in (a) tracking chronic absenteeism over multiple years and for the current school year, (b) developing indicators to identify students at risk of being chronically absent, (c) monitoring students' attendance over time, and (d) making adjustments to interventions as they are implemented.

The act allows the plan to include:

1. a research-based, data-driven mentorship model that addresses and attempts to reduce chronic absenteeism using mentors, such as students, teachers, administrators, intramural and interscholastic athletic coaches, school resource officers, and community partners and
2. incentives and rewards that recognize schools and students that improve attendance and reduce the school chronic absenteeism rate.

TRUANCY CLINICS

Establishment

The act expands the children's probate court truancy clinics that were pilot programs in the Waterbury and New Haven probate courts under prior law. It removes the pilot limitation and permits the probate court administrator, within available appropriations, to establish clinics within (1) regional children's probate courts serving a town designated as an alliance district or (2) any probate court serving a town designated as an alliance district that is not served by a regional children's probate court.

A truancy clinic is a non-judicial, voluntary, nonpunitive proceeding involving the parent or guardian of a student who is a truant or at risk of becoming a truant.

Reporting

The act requires each probate court judge who administers a truancy clinic to annually file a report with the probate court administrator assessing the effectiveness of each clinic in the judge's respective court. The first report is due September 1, 2015. Prior law required such reports from the pilot program

truancy clinics.

By law, the probate court administrator must report to the Education and Judiciary committees by January 1, 2016 on the effectiveness of truancy clinics.

BACKGROUND

Interagency Council for Ending the Achievement Gap

This council is charged with helping the Achievement Gap Task Force develop its master plan, implement the provisions of the master plan, and submit annual progress reports on plan implementation to the Education Committee (CGS § 10-16nn).

Alliance Districts

Alliance districts are the state's 30 lowest performing school districts based on a performance index. Districts must submit a plan for alliance district funding, and state approval for the funds is based on districts' application plans (CGS § 10-262u).

PA 15-227—sSB 1101

Education Committee

AN ACT CONCERNING THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act makes changes in the early childhood statutes by:

1. expanding school readiness seat eligibility (§§ 1 & 2);
2. revising the formula for calculating competitive school readiness grants (§ 2);
3. increasing the amount of unexpended school readiness funds the early childhood commissioner may spend on professional development for early childhood care and education program providers (§ 3);
4. eliminating the requirement that school readiness councils submit biennial reports to the State Department of Education (SDE) on the number and location of readiness spaces, estimated number of unserved children, and estimated cost of providing spaces to all eligible children (§ 5);
5. changing the Care 4 Kids child care subsidy eligibility period from eight months to a period prescribed by federal law (§ 6);
6. eliminating the Office of Early Childhood's (OEC) duty to send written notices on specific topics to Care 4 Kids recipients and service providers (§ 6);

7. replacing statutory references to (a) "day care" with "child care" and (b) OEC "executive director" with "commissioner" (§§ 1, 7, 8, 15, 17, 20, 21 & 25);
8. allowing the OEC commissioner to waive certain child care regulations during civil preparedness or public health emergencies (§§ 7 & 8);
9. allowing the OEC commissioner to renew expired child care licenses within 30 days of their expiration under certain conditions (§§ 8 & 21);
10. creating separate operating and capital grant accounts for the Smart Start competitive grant program (§§ 10 & 11);
11. requiring OEC to redesign the Smart Start program as up-front grant payments rather than expenditure reimbursements (§ 12);
12. adding seven new members to the Early Childhood Cabinet (§ 13);
13. requiring the OEC commissioner to report annually, rather than semiannually, to the General Assembly on the Nurturing Families Network (§ 15);
14. allowing the OEC commissioner to resolve disciplinary actions against child care or youth camp providers using voluntary license surrender (§§ 16 & 18);
15. allowing OEC to investigate and discipline child care providers even if their license expired within 18 months of the investigation's start (§ 19);
16. shifting administration of the Even Start Family Literacy Program (see BACKGROUND) from SDE to OEC (§ 22);
17. renaming the "kindergarten assessment tool" the "kindergarten entrance inventory," which OEC must develop under existing law, and eliminating OEC's duty to implement it (as SDE, not OEC, implements kindergarten initiatives) (§ 26); and
18. repealing the law creating the Children's Trust Fund (see BACKGROUND) and the fund's and the Children Trust Fund Council's orders, regulations, and contracts (§ 27).

The act also makes numerous conforming and technical changes and removes obsolete provisions.

EFFECTIVE DATE: July 1, 2015, except for the sections concerning Smart Start operating and capital grant accounts and Even Start, which are effective upon passage.

§§ 1-5 & 9 – SCHOOL READINESS

The school readiness grant program funds full-day, full-year spaces in accredited programs for three- and four-year-olds (and five-year-olds who are ineligible to enroll in public school or choose school readiness instead, according to statute). It provides grants on a competitive and non-competitive basis.

Seat Eligibility

The act expands school readiness seat eligibility by allowing programs to serve children who do not live in the priority school district or former priority school district where the program is located. Prior law required that children live in one of these districts to be eligible to attend their respective school readiness program (see BACKGROUND).

Grant Formula

The act also changes the method for calculating competitive school readiness grants for towns or regional school readiness councils. Under prior law, such towns or a council could apply for grants of at least \$107,000 per priority school or town. The act instead allows them to apply for grants equal to the number of spaces multiplied by a \$8,670 per-child cost amount. (PA 15-5, June Special Session, § 324, increased the per-child amount to \$8,927.)

Unexpended Grant Funds

Prior law permitted the OEC commissioner to use up to \$500,000 annually in unexpended school readiness grant funds to provide professional development for early childhood care and education program providers. The act increases this amount to up to \$1 million.

Existing law prioritizes use of unexpended school readiness funds for, among other professional development purposes, assisting early childhood education program staff attending a state-accredited, OEC-approved higher education institution. Previously, the law allowed a maximum of \$5,000 in assistance per staff member per year for the cost of higher education courses leading to a bachelor's degree or, up until December 31, 2015, an associate's degree. The act increases this assistance to \$10,000 per staff member per year.

§ 6 — CARE 4 KIDS

Care 4 Kids helps low- to moderate-income families pay for child care costs. The act (1) links the OEC commissioner's Care 4 Kids eligibility determinations and determination schedules to federal law and (2) changes Care 4 Kids notice requirements.

Eligibility Determination

Under prior law, the OEC commissioner (1) had the authority to make initial eight-month eligibility determinations for Care 4 Kids subsidy applicants and (2) could not make eligibility redeterminations until the eight-month period had expired, unless she could demonstrate, beginning July 1, 2014, that OEC had overpaid more program benefits in comparison to the 2010 calendar year, in which case she could reduce the redetermination period to six months.

The act changes the eligibility period, beginning July 1, 2015, from eight months to a period prescribed by federal law. (The reauthorized federal Child Care Development Block Grant, which funds Care 4 Kids, currently requires states to set redetermination at 12 months.)

Reporting Requirement

The act eliminates the requirement that the OEC commissioner annually report to the Human Services and Appropriations committees about eligibility determinations made on an eight-month basis. It does not replace the reporting requirement with a new one based on the new federal redetermination period.

Notice Requirements

The act also removes the requirement that OEC provide written notice to Care 4 Kids subsidy recipients and service providers when the office (1) closes the program to new applications, (2) changes eligibility requirements or program benefits, or (3) makes any other change to the program's status or terms. By law, OEC must continue to note such changes on its website.

§§ 7 & 8 — CHILD CARE REGULATION WAIVERS DURING EMERGENCIES

The act allows the OEC commissioner to waive the provisions of any family child care home, child care center, or group child care home regulation when the governor declares a civil preparedness or public health emergency, if doing so would not endanger the life, health, or safety of any child (see BACKGROUND). It requires the commissioner to prescribe the waiver's duration up to the declared emergency's duration.

The act also requires the commissioner to establish (1) criteria for making a waiver request and (2) conditions for granting or denying a waiver. It also specifies that the processes that apply to child care center license suspensions and revocations and initial license application denials do not apply to waiver request denials.

§§ 8 & 21 — EXPIRED CHILD CARE LICENSE RENEWAL

The act allows the OEC commissioner to renew a family child care home license that has expired within the last 30 days and whose operations have ceased, if the renewal application is accompanied by the required fee and immunization certification for enrolled children. It allows similar renewals for expired child care centers and group child care homes but does not condition them upon cessation of operation or immunization certification in these instances.

§§ 10-12 — SMART START COMPETITIVE GRANT ACCOUNTS

The Smart Start program provides competitive grants to school districts to establish or expand public preschool programs. The act requires the grants to be awarded up front, rather than as a reimbursement for eligible expenses.

It also splits the Smart Start program into two separate grant accounts rather than one. It creates the non-lapsing operating grant account within the General Fund, which by law receives \$10 million annually in disbursed funds from the Tobacco Settlement Fund for FYs 16-25. It also creates the capital grant account, which is a capital projects fund (i.e., a separate, non-appropriated account) containing amounts authorized by the State Bond Commission.

§ 13 — EARLY CHILDHOOD CABINET

The act adds seven new members to the Early Childhood Cabinet for a total of 29 members. It adds four new gubernatorial appointees (for a total of eight), who must include:

1. a Child Care and Development Block Grant administrator,
2. an Individuals with Disabilities Education Act Part B grant administrator,
3. an Elementary and Secondary Education Act administrator, and
4. an education services coordinator for homeless children and youth.

It also adds to the cabinet the following state officials or their designees: the (1) lieutenant governor, (2) housing commissioner, and (3) mental health and addiction services commissioner.

§ 15 — NURTURING FAMILIES NETWORK

The act requires the OEC commissioner to report annually, rather than semiannually, to the General Assembly on the Nurturing Families Network (see BACKGROUND). Prior law required the commissioner to report on January 1 and July 1

annually. The act removes the January 1 reporting requirement.

§§ 16 & 18 — VOLUNTARY LICENSE SURRENDER

The act allows the OEC commissioner to resolve a disciplinary action against a child care center, group child care home, family child care home, or youth camp by accepting the licensee's voluntary surrender of a license.

§ 19 — INVESTIGATION AND DISCIPLINE REGARDLESS OF LICENSE EXPIRATION

The act allows the OEC commissioner to investigate and discipline a child care center, group child care home, family child care home, or youth camp if it holds a license or has held a license from OEC within 18 months prior to the start of the investigation or discipline.

BACKGROUND

Even Start

This program provides grants to establish new, or expand existing, local family literacy programs that provide literacy services for children and their parents or guardians (CGS § 10-265n). It is a federal program authorized under the No Child Left Behind Act (20 USC § 6381, *et seq.*).

Children's Trust Fund

The Children's Trust Fund subsidized (1) programs aimed at preventing child abuse and neglect and (2) family resource programs. The fund was administered by the OEC commissioner under prior law (CGS § 17b-751).

Priority School District

A priority school district is targeted for additional state educational assistance based on a formula that identifies districts with the highest populations or concentrations of students (1) receiving temporary family assistance and (2) performing poorly on statewide mastery exams (CGS § 10-266p). There are 15 such districts.

A former priority district is one that no longer qualifies for priority district status and whose priority district grants are being phased out (CGS § 10-16p).

Civil Preparedness and Public Health Emergencies

The law allows the governor to proclaim that a state of civil preparedness emergency exists in the event of a

serious disaster, enemy attack, sabotage, or other hostile action. This declaration allows the governor to personally take direct operational control of any and all parts of the state's civil preparedness forces and functions (CGS § 28-9).

The law allows the governor to declare a public health emergency in the event of a statewide or regional public health emergency. The governor may order the public health commissioner to implement all or some of the public health emergency response plan, authorize the commissioner to isolate or quarantine people, order the commissioner to vaccinate people, apply for federal assistance, or order the commissioner to suspend certain license renewal and inspection functions during the emergency period and for six months afterward (CGS § 19a-131a).

Nurturing Families Network

The network seeks to reduce the abuse and neglect of infants by enhancing parent-child relationships through hospital-based assessment with home visitation follow-up on infants and their families identified as high risk.

Related Act

PA 15-5, June Special Session, § 324 increased the per-child amount for competitive school readiness grants to \$8,927, a greater amount than this act's per-child rate of \$8,670.

PA 15-237—sSB 1059 *Education Committee*

AN ACT CONCERNING HIGH SCHOOL GRADUATION REQUIREMENTS

SUMMARY: This act delays, by one year, implementation of the scheduled changes to the state's high school graduation requirements that were set to apply to the 2020 graduating class (the class beginning high school in fall 2016). Under the act, they apply to the 2021 graduating class (the class beginning high school in fall 2017).

Under the requirements, students must (1) earn 25, rather than 20, credits to graduate from high school (including an additional credit each in math and science and a new two-credit world language requirement); (2) pass end-of-year exams for Algebra I, Geometry, Biology, American History, and 10th grade English; and (3) complete a one-credit senior project in order to graduate. The act also delays, by one year, the requirement that school districts offer students support

and alternative ways to meet the new graduation requirements if they are unable to meet them.

The act also creates a nine-member task force to study (1) the alignment of the high school graduation requirement changes with the Common Core State Standards adopted by the State Board of Education (SBE) (see BACKGROUND) and (2) the feasibility of adding training in cardiopulmonary resuscitation (CPR) as a high school graduation requirement. (PA 15-5, June Special Session, § 299, also requires the task force to study the feasibility of substituting a student's participation in interscholastic athletics in place of the physical education credit in order to satisfy the high school graduation requirements.) The task force must submit its report to the Education Committee by January 1, 2016.

The act also requires SBE to grant a student a community service recognition award if he or she satisfactorily completes at least 50 hours of community service and meets statutory criteria to earn one-half credit toward graduation.

EFFECTIVE DATE: July 1, 2015, except the task force is effective upon passage.

TASK FORCE TO STUDY THE ALIGNMENT OF THE NEW GRADUATION REQUIREMENTS TO THE COMMON CORE STATE STANDARDS

The task force consists of the following members:

1. the education commissioner, or her designee;
2. one representative designated by each of the following six associations: Connecticut Association of Boards of Education, Connecticut Association of Public School Superintendents (CAPSS), Connecticut Association of Schools, Connecticut Federation of School Administrators, the Connecticut Education Association, and the American Federation of Teachers-Connecticut; and
3. two people selected by the education commissioner, including teachers and any other person the commissioner deems appropriate.

All appointments must be made no later than July 30, 2015 (i.e., 30 days after the act's effective date). Any vacancy must be filled by the appropriate appointing authority.

The CAPSS representative serves as the chairperson, and he or she must schedule the first task force meeting no later than August 29, 2015 (i.e., 60 days after the act's effective date).

By January 1, 2016, the task force must submit its report with findings and recommendations to the Education Committee. The task force terminates on January 1, 2016 or the day it submits its report,

whichever is later.

BACKGROUND

Common Core State Standards

The Common Core State Standards are a set of K-12 education standards for English language arts and mathematics developed by the National Governors Association and the Council of Chief State School Officers. The standards, which most states have chosen to adopt, seek to raise student achievement and provide more uniform curricula and instruction among states. The Connecticut State Board of Education adopted the standards in July 2010.

PA 15-238—sSB 1095

Education Committee

AN ACT CONCERNING STUDENT ASSESSMENTS

SUMMARY: By law, public school students in certain grades must take mastery examinations designed to measure grade-appropriate skills in reading, writing, math, and science. Under prior law, high school students were required to take the examinations in 10th or 11th grade. The act eliminates the student's option to take the (1) reading, writing, and math examinations in 10th grade and (2) science examination in 11th grade. Instead it specifies the reading, writing, and math examinations must be in 11th grade and the science examination in 10th grade. Also, students must take all of these examinations during the regular school day.

In addition, the act requires the 11th grade reading, writing, and math examinations to be (1) nationally recognized college-readiness assessments, (2) paid for by the State Board of Education (SBE), and (3) administered by the examination provider under an agreement with SBE (see below). By law, all mastery examinations must be approved and provided by SBE and measure grade-appropriate skills. (The federal No Child Left Behind Act (NCLB) (P.L. 107-110) allows the high school examinations to be given between grades 10 and 12, inclusive.)

The act requires SBE, by January 1, 2016, to enter into an agreement with a nationally recognized college-readiness assessment provider to administer the 11th grade examination in Connecticut if certain conditions are met, including federal approval.

The act establishes the Mastery Examination Committee in the State Department of Education (SDE) and specifies its membership and mission. The committee must study various aspects of Connecticut's mastery test system and report to the Education

Committee by February 15, 2016 and January 15, 2017. EFFECTIVE DATE: (1) Upon passage for creation of the examination committee; (2) upon passage and applicable on and after the effective date of an agreement between SBE and a nationally recognized college-readiness 11th grade assessment provider for the mastery examination statute changes, such as eliminating the option of taking exams in 10th or 11th grade; and (3) July 1, 2015 for the provision requiring SBE to enter into an agreement with a provider for the 11th grade readiness examination.

MASTERY EXAMINATIONS

Under prior law, a student meeting or exceeding the goal level on any 10th or 11th grade mastery examination would have a certificate of mastery made part of his or her permanent record and transcript. The act narrows this to apply only to 11th grade examinations. The act also deletes a provision that allowed each 10th or 11th grade student who fails to meet the mastery goal level on any mastery examination to annually take or retake it when it is regularly administered until the student scores at or above the state-wide mastery goal level, graduates, or reaches age 21.

FEDERAL PERMISSION AND COLLEGE-READINESS ASSESSMENT PROVIDER AGREEMENT

The act requires SBE, by January 1, 2016, to enter into an agreement with a provider of a nationally recognized college-readiness assessment to provide and administer the 11th grade examination in Connecticut if the following criteria are met:

1. it is permitted under NCLB or permission is granted under the state's NCLB waiver (see BACKGROUND),
2. SBE consults with the Mastery Examination Committee created under the act, and
3. the assessment offers accommodations for students with disabilities or who are English language learners.

MASTERY EXAMINATION COMMITTEE AND REPORTS

The act establishes the Mastery Examination Committee in SDE. Its members include:

1. the education commissioner and the Board of Regents for Higher Education president, or their respective designees;
2. one SBE representative;
3. one representative and one practitioner from each of the following associations, designated by the respective association: the Connecticut Association of Boards of Education, the

Connecticut Association of Schools, the Connecticut Association of Public School Superintendents, the Connecticut Education Association, the Connecticut Parent Teacher Association, and the American Federation of Teachers-Connecticut; and

4. people the education commissioner selects, including teachers, performance evaluation process and systems experts, and others the commissioner deems appropriate.

The act does not specify (1) how many people the commissioner can appoint and (2) how a chairperson is selected.

The committee must make the following reports to the Education Committee: (1) an interim report by February 15, 2016 and (2) a final report with findings and recommendations by January 15, 2017. The committee terminates when it submits its final report or on January 15, 2017, whichever is later.

Areas of Study

Under the act, the committee must study:

1. the impact of the statewide mastery examinations on teaching, students, and student learning time;
2. administering the examination on computers and other devices;
3. whether the examinations are an appropriate student assessment;
4. the extent to which the mastery examinations (a) respond to student needs, (b) offer accommodations for students with disabilities or who are English language learners, (c) inform teachers of student progress, (d) align with SBE-adopted curriculum standards (e.g., the Common Core State Standards, adopted in 2010), and (e) comply with federal law;
5. the feasibility of decreasing the amount of time required to complete the state-wide mastery examination using alternative formats or alternative methods of delivery; and
6. ways to facilitate timely communication between SBE and local and regional boards of education regarding the state-wide mastery examination.

BACKGROUND

NCLB Waiver

In 2012, Connecticut applied for and was granted, as were many other states, a waiver from certain aspects of NCLB (e.g., federal sanctions when a state's students do not improve academic performance at the pace required under NCLB). In order to receive the waiver,

the state had to agree to take a number of steps, including specifying how it would (1) intervene in low performing schools and school districts, (2) tie teacher evaluation to student achievement, and (3) establish college and career-ready standards for students. Connecticut is applying for a three-year waiver extension.

PA 15-239—sSB 1096

Education Committee

Committee on Children

Appropriations Committee

AN ACT CONCERNING CHARTER SCHOOLS

SUMMARY: This act makes numerous changes to the laws governing state and local charter schools by:

1. redesigning the State Board of Education's (SBE) and the legislature's roles in the charter school application approval process (§ 2);
2. narrowing the definition of "charter management organization" (CMO) to mean a nonprofit, tax-exempt organization, rather than any entity (§ 1);
3. defining "charter," which was previously undefined in statute (§ 1);
4. expanding SBE's duties in the charter renewal process (§ 2);
5. adding SBE-developed academic and organizational performance goals to initial certificates and charters granted to charter schools (§ 2);
6. requiring each charter school governing council's annual report to the education commissioner to describe the school's progress in meeting its charter's academic and organizational goals (§ 3);
7. requiring the education commissioner to monitor the auditor that she selects to audit one randomly selected state charter school each year, and requiring the auditor to be independent (§ 4);
8. requiring, beginning October 1, 2015, each charter school governing council member to complete training about governing council responsibilities and best practices at least once during the charter's term (§ 5);
9. requiring, beginning October 1, 2015, each charter school governing council to adopt anti-nepotism and conflict of interest policies aligned with state law and nonprofit corporate governance best practices (§ 5);
10. requiring each CMO, or governing council in the absence of a CMO, to annually submit to the education commissioner a (a) certified

audit statement of revenues from public and private sources and expenditures related to its function as a CMO or charter school governing council of a Connecticut charter school and (b) complete copy of its most recent Internal Revenue Service Form 990, with all its parts and schedules, except for Schedule B (§ 6);

11. requiring the education commissioner to post online (a) any reports, certified audit statements, or forms that CMOs or governing councils submitted to the State Department of Education (SDE) within 30 days of receipt and (b) the names of any noncompliant CMOs or governing councils within 30 days of failure of receipt (§ 7);
12. requiring, beginning July 1, 2015, various individuals who manage or work in charter schools to submit to criminal history and child abuse records checks (§ 8);
13. establishing a process that governing councils must follow to make a material change in the charter school's operation (§ 9);
14. allowing a governing council to enter into a contract for whole school management services only with a CMO, and establishing new guidelines for the establishment of these contracts (§ 10); and
15. requiring whole school management services contracts to contain provisions about (a) record sharing between the CMO and the governing council who are parties to the contract and (b) the Freedom of Information Act (FOIA) disclosure requirements for these records (§ 11).

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2015

§ 1 — CHARTER DEFINITION

The act defines “charter,” which prior law did not define. It creates a split definition for charters approved before and after July 1, 2015. For those granted before this date, the act defines “charter” as a charter for a local or state charter school granted by SBE. For charters granted or renewed on or after this date, the act defines them as a contract between the governing council of a charter school and SBE that sets forth both parties’ roles, powers, responsibilities, and performance expectations.

§ 2 — CHARTER SCHOOL APPLICATION APPROVAL PROCESS

The act redesigns SBE’s and the legislature’s roles in the charter school application approval process.

Under prior law, SBE could grant charters to state and local charter schools. The act removes this authority from SBE and instead allows the board to grant charter school operator applicants an initial certificate of approval beginning July 1, 2015. The act allows SBE to condition an initial certificate’s approval, rather than a charter school’s opening, upon the applicant’s satisfaction of conditions the education commissioner establishes. The initial certificate does not become a charter until July 1 of the fiscal year in which the legislature chooses to appropriate funds to SDE for grants to the charter school (see below). The charter is then valid for up to five years.

Initial Certificate Application

The act changes which entities may apply for an initial certificate to operate a charter school. It allows tax exempt nonprofit organizations to apply, in addition to the following entities that may apply under existing law: public or independent higher education institutions, local or regional boards of education, two or more boards of education cooperatively, or regional education service centers. It no longer allows people, associations, corporations, or organizations to apply to operate schools.

The act also adds new requirements to a prospective charter school’s initial certificate application. First, it must include a plan to share student learning practices and experiences with the local or regional board of education of the town where the proposed charter school is to be located.

Second, if a governing council intends to contract with a CMO for whole school management services (i.e., the financial, business, operational, and administrative school functions), it must show evidence of the CMO’s ability to (1) serve student populations that are similar to those who will be served by the proposed charter school, (2) create strong academic outcomes for students, and (3) successfully manage nonacademic school functions.

The application also must contain a “term sheet” that establishes the:

1. contract’s length;
2. roles and responsibilities of the governing council, staff, and CMO of the proposed charter school;
3. scope of services and resources the CMO will provide;
4. performance evaluation measures and timelines;
5. compensation structure, including a clear identification of all fees to be paid to the CMO;
6. contract oversight and enforcement methods; and

7. conditions for contract renewal and termination.

Additionally, the application must contain (1) evidence of compliance with the act's whole school management services contracting provisions (see § 10 below) and (2) a provision allowing the superintendent of the district where the proposed school will be located to choose a designee to participate in the establishment of the school's governing council.

Application Approval Process

The act expands the factors SBE must consider when deciding whether to grant an initial certificate to include the (1) effect of the proposed charter school on the state's efforts to close achievement gaps and (2) comments made at a public hearing that (a) the local or regional school board holds in the district on the proposed local charter school or (b) SBE holds in the district where the proposed state charter school would be located.

For proposed local charter schools, the act requires the local or regional board of education for the district where the proposed school would be located to vote on its approval within 75, rather than 60, days after receipt of the application. Then SBE has up to 60, rather than 75, days after the application's receipt to vote on whether to grant an initial certificate for the proposed local charter school.

Under the act, beginning July 1, 2015, any initial certificate SBE approves for a local or state charter school must include academic and organizational performance goals developed by SBE that establish performance indicators, measures, and metrics that SBE will use to evaluate the school.

Also, the act specifies that an initial certificate for a charter is not considered a license under the state's Uniform Administrative Procedure Act.

Legislative Approval

Under the act, after granting an initial certificate, SBE must submit to the Education and Appropriation committees a (1) copy of the initial certificate and (2) summary of the comments made at the public hearing described above. The initial certificate does not become a charter until July 1 of the fiscal year in which the legislature chooses to appropriate funds to SDE for grants to the charter school, upon which it may be effective for a term of up to five years.

§ 2 — CHARTER RENEWAL PROCESS

Under prior law, SBE could commission an independent appraisal of a charter school's performance as part of the charter application renewal process. Beginning July 1, 2015, the act allows this appraisal to

include the school's progress in meeting the academic and organizational performance goals established in the charter previously granted to the charter school.

Prior law allowed SBE to deny a charter renewal application for various reasons, such as insufficient student progress or noncompliance with laws and regulations. The act also allows SBE to deny a renewal if:

1. the school has not complied with the terms of the previously granted charter or
2. the school's governing council has not provided evidence that it has initiated substantive communication to share student learning practices and experiences with the local or regional board of education in the district where it is located.

Beginning July 1, 2015, the act requires any charter renewed by SBE to include the academic and organizational performance goals developed by SBE, which establish the performance indicators, measures, and metrics that SBE will use to evaluate the school.

§ 8 — RECORDS CHECKS

Beginning July 1, 2015, the act requires certain individuals who manage or work in charter schools to submit to several types of records checks. Specifically, it instructs SBE to require governing council and CMO members to submit to Department of Children and Families child abuse and neglect registry checks and state and national criminal history records checks (1) before SBE grants an initial certificate to the charter school or (2) before the governing council or CMO members are hired.

It also requires governing councils to require each applicant for a position in local or state charter schools and each contractor doing business with these schools, who have direct student contact, to submit to the same background checks before they are hired or begin to perform service.

§ 9 — MATERIAL CHANGE IN CHARTER SCHOOL OPERATIONS

The act requires governing councils to give SBE a written request to amend the school's charter if they want to make a material change in the charter school's operations. It defines "material change" as a change that fundamentally alters the school's mission, organizational structure, or educational program, including:

1. altering the educational model in a fundamental way,
2. opening an additional school building,
3. contracting for or discontinuing a contract for whole school management services with a

CMO,

4. renaming the school,
5. changing the school's grade configurations, or
6. increasing or decreasing the school's total student enrollment capacity by 20% or more.

Under the act, SBE must do the following when deciding whether to grant a material change request: (1) review the written request, (2) solicit and review comments on the request from the local or regional board of education of the town where the school is located, and (3) vote on the request within 60 days after receiving it or as part of the charter renewal process.

SBE may approve the material change by a majority vote of voting members present at a regular or special meeting called to (1) vote on the change or (2) consider whether to renew the charter.

§ 10 — WHOLE SCHOOL MANAGEMENT SERVICES CONTRACTS

The act allows a charter school governing council to enter into a contract for whole school management services with only a CMO. Such a contract must (1) align with state and federal law and regulations; (2) not entail any financial or other conflicts of interest; and (3) not amend, alter, or modify any charter provision. If the contract conflicts with the charter terms, then the charter terms must govern.

Under the act, a contract for whole school management services must include:

1. the governing council's and CMO's roles and responsibilities, including all services to be provided under the contract;
2. performance measures, mechanisms, and consequences by which the governing council will hold the CMO accountable for performance;
3. compensation to be paid to the CMO, including all fees, bonuses, and a description of what the compensation includes or requires;
4. financial reporting requirements and provisions for the governing council's financial oversight;
5. a provision stating that Connecticut law must be the controlling law for the contract;
6. a statement that the (a) CMO will share with the governing council a copy of all records and files related to its charter school administration, including compensation the school paid to the CMO and how the CMO spent this money, and (b) governing council will disclose these records and files in accordance with FOIA; and
7. any other information that the education commissioner requires to ensure compliance with state laws that govern educational opportunities.

The act requires a governing council to submit any whole school management services contracts with a CMO to SBE for approval. When determining whether to approve the contract, SBE must (1) review it, (2) solicit and review comments about it from the local or regional board of education for the town where the charter school is located or is proposed, and (3) vote on it within 60 days after receiving it.

SBE may approve the contract by a majority vote of voting board members present at a regular or special meeting of the board called for this purpose. The contract cannot take effect unless SBE approves it. Any governing council that enters into such a contract must directly select, retain, and compensate the attorney, accountant, or audit firm representing the governing council.

Additionally, the act prohibits a governing council from entering into any whole school management services contract that would (1) reduce the governing council's responsibility for operating the charter school or (2) hinder the governing council's ability to effectively supervise the charter school.

§ 11 — CMO RECORD SHARING

The act requires any contract for whole school management services between a governing council and CMO to include the following record sharing provisions:

1. a statement that the governing council is entitled to receive from the CMO a copy of all records and files related to the charter school's administration, including compensation that the school paid to the CMO and how the CMO spent this compensation, and
2. a statement indicating that these records and files are subject to FOIA and may be disclosed by the governing council under FOIA.

The act allows the governing council to redact from disclosed records and files the personally identifiable information of any bona fide, lawful donors who requested redaction in writing. It also specifies that requests for public disclosure of these records and files (1) must be made to the governing council according to FOIA and (2) that are denied may be brought to the Freedom of Information Commission in accordance with state law.

PA 15-243—sHB 7021

Education Committee

AN ACT CONCERNING TEACHER PREPARATION PROGRAM EFFICACY

SUMMARY: This act delays, from July 1, 2015 to July

1, 2016, the requirement that all teacher preparation programs in the state place their students in four semesters of field work or clinical or student teaching classroom experience. The act also requires that the students gain this experience at (1) a school in a school district in one of the five highest school district reference groups (DRG) (nine groups of districts based on factors such as family income and parental occupation and education) and (2) a school in a district in one of the four lowest DRGs.

The act also requires the State Department of Education (SDE), beginning July 1, 2015, to annually report on the quality of in-state teacher preparation programs to the Education and Higher Education and Employment Advancement committees.

EFFECTIVE DATE: July 1, 2015, except the teacher preparation quality report provision is effective upon passage.

their students learn, including data on the academic achievement and progress of the graduates' students;

2. measures for assessing graduates' classroom teaching performance;
3. the graduates' retention rates as teachers;
4. survey results from graduates and their employers regarding the teacher preparation programs;
5. graduate employment data relating to teaching jobs;
6. certification issuance rates, including first-time pass rates for graduates (presumably "pass rates" are related to competency and subject-area tests necessary for certification); and
7. recommendations on the recruitment of minority teachers and administrators, as defined in state law.

CLASSROOM EXPERIENCE REQUIREMENT

DRGs are designations SDE uses to group school districts with similar needs and socioeconomic characteristics, based on factors including family income, parental education and occupation, family structure, poverty, and language spoken at home. The nine DRGs have letter designations: A, B, C, D, E, F, G, H, and I. For example, in SDE's description, DRG A consists of nine affluent Fairfield County towns. SDE last determined the DRG groupings in 2006.

The act requires that students in teacher preparation programs obtain the four semesters of clinical, field, or student teaching experience in (1) a school in a district in DRGs A, B, C, D, or E and (2) a school in a district in DRGs F, G, H, or I. The first group of DRGs includes 118 districts, and the second group includes 48 districts.

The act specifies that the clinical, field, or student teaching experience can include a cooperating teacher serving as a mentor to student teachers, as long as the cooperating teacher received a "proficient" or "exemplary" performance evaluation rating for the previous school year. Under state teacher evaluation law, teachers can receive, from highest to lowest, one of four of the following ratings: (1) exemplary, (2) proficient, (3) developing, and (4) below standard.

TEACHER PREPARATION QUALITY REPORT

Under the act, starting July 1, 2015, SDE must annually submit a report on the quality of teacher preparation programs offered at in-state higher education institutions to the Education and Higher Education and Employment Advancement committees.

The report must, at a minimum, include:

1. information and data on the extent to which the teacher preparation programs' graduates help

PA 15-12—HB 6807

Energy and Technology Committee

AN ACT CONCERNING TECHNICAL REVISIONS TO ENERGY AND TECHNOLOGY STATUTES

SUMMARY: This act makes technical corrections and eliminates an obsolete reference in statutes dealing with energy and technology.

EFFECTIVE DATE: October 1, 2015

PA 15-21—HB 6991

Energy and Technology Committee

AN ACT CONCERNING THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM

SUMMARY: This act allows third-party capital providers to participate in the Connecticut Green Bank's commercial sustainable energy program, known as the Commercial Property Assessed Clean Energy (C-PACE) program. By law, the Green Bank provides financing through the C-PACE program for energy efficiency or renewable energy improvements on certain commercial and industrial properties in participating municipalities. The property owner repays the cost of the improvements through an assessment on the property, backed by a lien.

The act allows (1) third-party capital providers to provide loans directly to property owners participating in the C-PACE program and (2) the Green Bank to encourage such loans in addition to, or instead of, financing provided by the Green Bank. It also makes various conforming changes to extend to the third-party capital providers the C-PACE law's requirements for financing agreements, procedure, notices and disclosures, and rates. It does not extend to the third-party providers a provision that requires the Green Bank to set interest rates at a level sufficient to pay the bank's financing and administrative costs for the program, including delinquency costs.

Lastly, the act allows, instead of requires, the Green Bank to establish a loan loss reserve or other credit enhancement program for properties participating in the C-PACE program.

EFFECTIVE DATE: Upon passage

C-PACE REQUIREMENTS EXTENDED TO THIRD-PARTY CAPITAL PROVIDERS

The act extends to participating third-party capital providers the C-PACE law's requirements for financing

agreements, procedure, notices and disclosures, and rates. Among other things, this:

1. requires the Green Bank to require (a) an energy audit or renewable energy system feasibility analysis on a property that requests C-PACE financing from a third-party provider, (b) a participating municipality to levy a benefit assessment on the property in an amount that can pay for the energy improvements and associated costs that the third-party provider determines will benefit the property, and (c) the property owner to provide written notice to any of the property's existing mortgage holders at least 30 days before the C-PACE lien on the property is recorded;
2. allows a third-party provider to enter into a financing agreement with the property owner and, once the agreement is finalized, requires a municipality to (a) place a caveat on the land records indicating that a benefit assessment and lien are anticipated or (b) levy the benefit assessment and file the lien; and
3. requires a third-party provider to (a) set a fixed or variable interest rate for repaying the benefit assessment when the assessment is made and (b) disclose to the property owner the costs and risks associated with participating in the C-PACE program, the benefit assessment's effective interest rate and administrative fees, the risks associated with variable rate interest financing, and the property owner's right to rescind the financing agreement within three days after entering into it.

PA 15-89—SB 569

*Energy and Technology Committee
Public Health Committee*

AN ACT CONCERNING SMALL COMMUNITY WATER SYSTEMS

SUMMARY: This act allows the Public Utilities Regulatory Authority (PURA), on its own initiative or at the Department of Public Health commissioner's request, to investigate whether a small community water system's rates are sufficient for the system to maintain its economic viability and provide adequate service to its customers. Under the act, "small community water systems" are those that do not have to submit a water supply plan (i.e., generally water companies that serve fewer than 1,000 people or 250 buildings).

If appropriate, within 150 days after starting the investigation, PURA must issue an order that prescribes the appropriate (1) service the water system must provide and (2) rates or charges needed to provide that

service. If any interested party requests a hearing during the investigation, PURA must provide notice to all parties and hold a hearing within 30 days after receiving the request. If it holds a hearing, the act provides commensurate additional time for PURA to issue an order as described above.

Before issuing an order raising rates or charges for a system's customers, the act requires PURA, in consultation with the Office of Consumer Counsel and attorney general, to consider the financial impact the rate increase may have on the system's ratepayers. If the rate increase is 100% or more, it must be phased in over a two-year period.

EFFECTIVE DATE: Upon passage

PA 15-90—sSB 573

Energy and Technology Committee

AN ACT CONCERNING VARIABLE ELECTRIC RATES

SUMMARY: Starting October 1, 2015, this act prohibits retail electric suppliers from (1) entering into variable rate contracts for residential electric generation services or (2) automatically renewing or causing automatic renewal of such contracts. The act specifies that a "residential customer" is one who contracts with a supplier for generation services at residential premises for domestic purposes only. The definition also applies to provisions under existing law that, among other things, (1) require suppliers serving such customers to meet certain notice requirements and (2) limit the early cancellation fees that suppliers may charge to such customers.

The act requires the Public Utilities Regulatory Authority (PURA), by October 1, 2015, to begin a proceeding to develop recommendations and guidance on (1) the type of rate structure best suited for residential customers who allow a fixed contract with a supplier to expire and begin paying a month-to-month rate and (2) what rate increase is just and reasonable under these circumstances. (PA 15-5, June Special Session, § 108, requires PURA's recommendations and guidance to be about what changes customers in these circumstances may experience regarding their rates and the terms and conditions of their service, instead of what rate increase is just and reasonable.) PURA must report its findings to the Energy and Technology Committee by January 1, 2016.

The law, unchanged by the act, allows suppliers to charge residential customers a month-to-month variable rate after their contract expires if they meet certain notice requirements and other conditions.

EFFECTIVE DATE: Upon passage

PA 15-107—sSB 1078

Energy and Technology Committee

AN ACT CONCERNING AFFORDABLE AND RELIABLE ENERGY

SUMMARY: This act allows the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with others, to solicit proposals from providers of energy and energy-related products and services and direct the electric companies to (1) enter into long-term agreements with these providers, subject to the Public Utility Regulatory Authority's (PURA) review and approval and (2) recover related costs and credit certain revenues, through a component of ratepayer electric bills. It specifies three categories for solicitations:

1. demand response measures and smaller renewable energy sources;
2. larger renewable energy sources and hydropower; and
3. natural gas resources.

It also allows the commissioner to seek proposals for energy storage, Class II renewable energy sources (see BACKGROUND), and existing hydropower in certain circumstances.

The act allows the commissioner to hire consultants to help evaluate proposals. If he finds proposals to be in the ratepayers' best interests, he may select one or more of them and direct the electric companies to enter into long-term contracts with energy providers. The act allows DEEP to recover from ratepayers certain costs associated with consultants and other reasonable costs associated with its solicitation and evaluation of proposals.

The act limits (1) all contract terms to 20 years; (2) selected proposals for demand response, renewable resources, and hydropower, in the aggregate, to 10% of the total load served by the state's electric companies; and (3) the total aggregate capacity of selected contracts.

EFFECTIVE DATE: Upon passage

RESOURCE TYPES

The act allows the DEEP commissioner to solicit proposals for multiple long-term contracts to (1) secure cost effective resources to provide more reliable electric service for the state's electric ratepayers and (2) meet goals and policies established in the state's integrated resources plan (IRP) and comprehensive energy strategy (CES). It establishes three categories and specifies the types of proposals that the commissioner must solicit in each category.

Demand Response Measures and Small Renewable Sources

For solicitations for demand response measures and smaller renewable resources, the commissioner must seek proposals for (1) Class I renewable energy sources (e.g., solar or wind power) and Class III source projects (e.g., combined heat and power) with a capacity between two and 20 megawatts and (2) passive demand response measures capable of reducing electric demand by at least one megawatt, including energy efficiency, load management, and the state's conservation and load management programs. The act requires electric companies to consult with the Energy Conservation Management Board (i.e., the Energy Efficiency Board) to assess the feasibility of submitting a proposal for passive demand response measures that are in addition to existing and projected demand reductions obtained through the conservation and load management programs.

The act allows the commissioner to also seek proposals for energy storage systems of up to 20 megawatts. Under the act, "an energy storage system" is any commercially available technology capable of absorbing energy and storing it for a period of time before dispatching it. It must be capable of:

1. using mechanical, chemical, or thermal processes to store electricity generated at one time for use at a later time;
2. storing thermal energy for direct use for heating or cooling at a later time, avoiding the need to use electricity;
3. using mechanical, chemical, or thermal processes to store electricity generated from renewable energy sources for use at a later time; or
4. using mechanical, chemical, or thermal processes to capture waste electricity generated from mechanical processes and store it for delivery at a later time.

Large Renewable Energy Sources and Hydropower

For solicitations for large renewable energy sources and hydropower, the commissioner must seek proposals for (1) Class I renewable energy sources with capacity of at least 20 megawatts and (2) verifiable large-scale hydropower. These proposals must include associated transmission (i.e., use of high-voltage lines to carry electricity from where it is generated to local substations).

The act also allows him to seek proposals for energy storage systems of at least 20 megawatts. He may also seek proposals for Class II renewable energy sources and certain existing hydropower resources to balance the delivery of Class I renewable energy

sources (which may be intermittent) and improve the economic viability of such proposals. Existing hydropower resources used for this purpose must not be considered large-scale, Class I, or Class II. Class II renewable energy sources and hydropower resources must be interconnected to associated transmission and either be (1) located in the control area of the regional independent system operator (generally, New England) or (2) imported from an adjacent regional independent system operator's control area.

Natural Gas Resources

For natural gas resources, the commissioner must solicit proposals for:

1. interstate natural gas transportation capacity,
2. liquefied natural gas,
3. liquefied natural gas storage,
4. natural gas storage, or
5. any combination of such resources.

Such proposals must provide incremental capacity, gas, or storage with a firm delivery capability to transport natural gas to natural gas-fired generating facilities located in the control area of the regional independent system operator.

SOLICITATION PROCESS

Issuance and Evaluation

DEEP must consult with (1) PURA's procurement manager, (2) the Office of Consumer Council, and (3) the attorney general when soliciting proposals and evaluating any proposals it receives. It may issue solicitations on behalf of Connecticut alone or in coordination with other New England states.

The commissioner must base the evaluation on factors including:

1. reliability improvements to the electric system, including during peak demand;
2. whether the proposal's benefits outweigh the cost to ratepayers;
3. fuel diversity;
4. the extent to which the proposal meets requirements to reduce greenhouse gas emissions and improve air quality, including the state's renewable portfolio standard;
5. the ratepayers' best interests; and
6. alignment with IRP and CES policy goals, including environmental impact.

DEEP (1) must compare a proposal's costs and benefits to those of other resources eligible to respond to DEEP's solicitations authorized under the act and (2) may also consider economic benefits to the state.

The act allows the commissioner to hire consultants with expertise in (1) quantitative modeling of electric

and gas markets and (2) physical gas and electric system modeling, as applicable, to assist with solicitations, including proposal evaluation. Under the act, DEEP may recover reasonable costs of up to \$1.5 million associated with solicitation and evaluation process through the non-bypassable federally mandated congestion charge, even if DEEP selects no proposals. Federally mandated congestion charges are generally collected on electricity bills to cover certain costs approved by the Federal Energy Regulatory Commission (FERC) and other costs approved by PURA. Customers must pay non-bypassable charges regardless of whether they choose a retail energy supplier, as these charges are considered reliability related.

Selection and Approval

If the commissioner finds proposals authorized by the act to be in ratepayers' best interests, he may select one or more proposals and direct the electric companies to enter into long-term contracts with the selected providers. Under the act, the contracts may be for:

1. passive demand response measures,
2. electricity,
3. electric capacity,
4. environmental attributes,
5. interstate natural gas transportation capacity,
6. liquefied natural gas,
7. liquefied natural gas storage,
8. natural gas storage,
9. energy storage, or
10. any combination of such measures.

The act limits the total aggregate capacity of the selected contracts to 375 million cubic feet per day of natural gas capacity or the equivalent megawatts of any combination of electricity and electric demand reduction. (The conversion rate of cubic feet per day to megawatts is unclear.) The act also limits selected proposals for demand response, renewable resources, and hydropower, in the aggregate, to 10% of the total load served by the state's electric companies.

Under the act, PURA must review and approve any agreement entered into as a result of a proposal. Electric companies must file an application with PURA for approval of any agreement, and PURA must approve it if it is cost effective and in electric ratepayers' best interests. If PURA does not issue a decision within 90 days, the agreement is deemed approved.

The electric companies must recover certain costs from ratepayers and credit ratepayers for certain revenue. Specifically, they must, through a fully reconciling component of electric rates for all the electric company's customers, (1) recover net costs on a timely basis, including costs incurred under the agreement and reasonable costs incurred in connection

with the agreement, and (2) credit customers for any net revenue from the sale of products purchased in accordance with long-term contracts authorized by the act. The act allows the electric companies to contract with a gas supply manager to sell natural gas products procured as a result of long-term contracts into the wholesale energy markets at the best available rates and in compliance with FERC regulations.

RENEWABLE ENERGY CERTIFICATES

The act allows electric companies to sell any renewable energy certificates (REC) for any Class I renewable energy sources or Class III sources procured through solicitations authorized by the act to suppliers or other electric companies in the New England Power Pool Generation Information System renewable energy credit market so that these suppliers or companies may meet the state's renewable portfolio requirement. The electric company must credit the revenue of any REC sales to its customers. The act also allows the electric companies to retain such RECs to meet renewable portfolio requirements. The act requires the electric companies to choose whether to sell or retain RECs based on the best interests of the company's ratepayers.

BACKGROUND

Class II Renewable Energy Sources

By law, Class II renewable energy sources include energy derived from (1) trash-to-energy facilities, (2) certain biomass facilities, and (3) certain hydropower facilities not included as Class I resources and with a capacity of up to five megawatts (CGS § 16-1(a)(21)).

PA 15-113—sSB 928

*Energy and Technology Committee
Environment Committee*

AN ACT ESTABLISHING A SHARED CLEAN ENERGY FACILITY PILOT PROGRAM

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP), in consultation with the electric distribution companies (EDCs, i.e., Eversource and United Illuminating), to establish a two-year pilot program to support the development of shared clean energy facilities. In general, a "shared clean energy facility" under the act is a clean energy-powered electricity generating facility to which customers subscribe for a (1) percentage interest in the total amount of electricity produced or (2) set amount of electricity produced. The subscriber's share of the electricity produced is then used to offset the

subscriber's electric costs at another billing meter identified by the subscriber.

The act requires DEEP, by January 1, 2016, to develop and issue a request for proposals (RFP) to develop shared clean energy facilities from entities that own or operate such facilities to benefit subscribers or contract with third parties to build, own, or operate them. Under the RFP, DEEP must select a project or projects with a total nameplate capacity rating (i.e., generating capacity) of up to six megawatts (MW), including up to:

1. two MW in the service area of an EDC that serves 17 or fewer cities and towns (United Illuminating) and
2. four MW in the service area of an EDC that serves more than 17 cities and towns (Eversource).

Under the act, DEEP must establish (1) a billing credit for the facilities' subscribers and (2) consumer protections for subscribers and potential subscribers that at least include disclosures that must be made when selling or reselling a subscription.

Each award recipient must submit reports with information on its facility's status to DEEP and the Energy and Technology Committee within one year after being awarded a project and then annually for the next two years. By January 1, 2018, DEEP must file a report with the Energy and Technology Committee that (1) analyzes the pilot program's success; (2) identifies and analyzes the success of similar programs in other states; and (3) recommends whether to establish a permanent program, and if so, any necessary legislation. EFFECTIVE DATE: October 1, 2015

SHARED CLEAN ENERGY FACILITIES & SUBSCRIBERS

Under the act, shared clean energy facilities are Class I renewable energy sources that (1) are served by an EDC, (2) have a nameplate capacity rating of four MW or less, and (3) have at least two subscribers. By law, a Class I renewable energy source is electricity derived from, among other things, solar power, wind power, fuel cells, landfill methane gas, anaerobic digestion or other biogas, and certain run-of-the-river hydropower facilities.

Under the act, a shared facility's subscriber must be an EDC's in-state retail end user who has (1) contracted for a subscription and (2) identified an individual billing meter within the EDC's service territory to which their subscription will be attributed (i.e., their share of electricity produced at the shared facility will be used to offset costs at this meter). Individual billing meters can include a set of electric meters that are combined for billing purposes. A shared facility must be in the same EDC service territory as all of the individual billing

meters identified by its subscribers.

PA 15-135—SB 575

Energy and Technology Committee

AN ACT CONCERNING ELECTRIC RATE TRANSPARENCY

SUMMARY: This act increases the number of off-site hearings that the Public Utilities Regulatory Authority (PURA) must hold on matters involving changes to an electric distribution company's (i.e., Eversource and United Illuminating) rates, charges, or public accommodation (i.e., rate cases). Prior law required PURA to hold at least one rate case hearing in a town within a subject company's service area. The act instead requires hearings in at least (1) two towns for a company that serves 17 or fewer towns (United Illuminating) and (2) three towns for a company that serves more than 17 towns (Eversource).

As under existing law, (1) the towns selected to host the hearings must be within the subject company's service area and as convenient as practicable to the people affected by the rate case; (2) PURA must hold a rate case hearing in the evening if at least 25 people petition for it; and (3) PURA may hold the rest of its hearings, if any, anywhere in the state.

EFFECTIVE DATE: October 1, 2015

PA 15-152—HB 6020

Energy and Technology Committee

AN ACT CONCERNING ANAEROBIC DIGESTION

SUMMARY: This act extends, by two years, the Connecticut Green Bank's anaerobic digestion pilot program. The program supports sustainable practices of Connecticut farms and other businesses by using organic waste with on-site anaerobic digestion facilities to generate electricity and heat. Under prior law, the Green Bank had to report to the Energy and Technology Committee, by January 1, 2016, on the program and whether it should continue. The act extends the reporting deadline by two years, to January 1, 2018.

The act also makes technical changes to reflect that PA 14-94 renamed the Clean Energy Finance and Investment Authority as the Connecticut Green Bank.

EFFECTIVE DATE: Upon passage

BACKGROUND

Anaerobic Digestion Pilot Program

The Green Bank's assistance under the program can take the form of loans, grants, or power purchase agreements. It may approve up to five projects, each with a maximum (1) size of three megawatts and (2) cost of \$450 per kilowatt.

The bank must allocate \$2 million annually from the Clean Energy Fund for the program. The Clean Energy Fund receives funds through a charge to ratepayers.

Anaerobic Digesters

Anaerobic digesters convert manure or other organic products into methane, the principal component of natural gas. The methane can be used for heating or electricity generation, among other things.

PA 15-178—sHB 6984

Energy and Technology Committee

AN ACT CONCERNING REVENUE ADJUSTMENT CHARGES FOR WATER COMPANIES

SUMMARY: This act extends the potential duration of the revenue adjustment mechanism (RAM) that the Public Utilities Regulatory Authority (PURA) approves for PURA-regulated water companies between a company's general rate cases. In general, a RAM allows a company to annually adjust rates to reconcile any difference between its PURA-approved revenue and its actual revenue without going through a full rate case proceeding each year (e.g., if a company earns less than PURA allowed it to earn, a RAM adjusts the next year's rates to make up the difference). The law allows these water companies to implement a RAM between rate cases under certain limited circumstances.

Under prior law, when PURA approved a RAM between rate cases, it had to annually reauthorize the RAM until the earlier of (1) six years after the company's last rate case or (2) the company's next rate case (at which point, the rates are adjusted to provide the company's approved revenue, and a new RAM can be approved at the company's request). The act instead requires annual reauthorizations until the later of the sixth year after the company:

1. filed its last rate case;
2. initially established a RAM; or
3. had a prior rate case reopened and PURA either (a) reset rate levels, (b) rolled Water Infrastructure and Conservation Adjustment

surcharges into base rates, or (c) made other authorized rate changes under a settlement agreement or other action.

After the six-year period, the act allows PURA to extend the company's RAM for an additional three years at the company's request. A company seeking an extension must file a request at least 90 days before its RAM expires, and PURA must act on the request in an uncontested proceeding before the RAM expires.

EFFECTIVE DATE: October 1, 2015

PA 15-180—sHB 6994

Energy and Technology Committee

AN ACT CONCERNING SERVICE PIPES OF WATER COMPANIES

SUMMARY: This act allows water companies regulated by the Public Utilities Regulatory Authority (PURA) to approve a property owner's application to install a service pipe that extends to the owner's dwelling by crossing intervening properties. (In general, service pipes connect the company's water main to the point of consumption.) Current regulations specify how service pipes must be sited and generally prohibit extensions from crossing intervening properties unless PURA approves an exception under certain conditions (Conn. Agencies Reg. § 16-11-64). The act codifies these siting regulations and allows a water company to approve the exception under substantially similar conditions.

Under the act, the water company must notify PURA of the property's location once it approves an application for an exception. In addition, a property owner, or a water company on behalf of the property owner, may file a request for an exception with PURA if the property owner (1) cannot meet the required conditions in his or her application to the water company or (2) disputes the water company's decision.

EFFECTIVE DATE: October 1, 2015

SERVICE PIPE EXTENSIONS

Siting Requirements

The act codifies regulations that require water service pipes to extend through the point on a customer's property line or the street line that is easiest for the water company to access from its existing distribution system. Where practicable, service pipes must be at right angles to the existing water main in front of the premises to be served. Unless the water company or PURA grants an exception, service pipes must not cross intervening properties or operate instead of a proper water main extension running in the street

and fronting the property. The water company may approve or disapprove a service pipe's proposed location.

Intervening Property Exception

Under the act, a water company may grant a property owner's written request for a service pipe to cross intervening properties if (1) proper easements are in place, (2) the construction complies with the company's rules and regulations, and (3) there is adequate water pressure to serve the property. The property owner may request an exception only under very exceptional hardship circumstances and on a case-by-case basis. He or she must provide documentation to demonstrate that the proposed service pipe will ultimately serve only one premises, otherwise a water main extension must be installed.

The act specifies that the following are not sufficient causes for granting an exception:

1. the property owner intends to avoid the time and expense of a proper main and service pipe extension or other reasonable engineering solution that conforms to good engineering practice standards,
2. the property owner intends to continue an existing nonconforming condition by extending or replacing an existing nonconforming service pipe, or
3. a proposed easement lacks sufficient evidence that an alternative ownership of a suitable strip of land for road frontage is infeasible.

PA 15-186—sSB 568

*Energy and Technology Committee
Planning and Development Committee*

AN ACT CONCERNING PUBLIC INFORMATION MEETINGS REGARDING TELECOMMUNICATION TOWERS

SUMMARY: This act requires developers of telecommunication towers to pay all administrative expenses of public information meetings held by municipalities that may be affected by the location of a tower.

By law, at least 90 days before filing an application with the Siting Council to approve a tower's location, the developer must consult with any (1) municipality identified as the primary or alternate location of a proposed tower and (2) adjoining municipality within 2,500 feet of the tower. A consulted municipality may hold a public information meeting on the proposed tower within 60 days after the consultation. By law, developers must cooperate with the municipality

holding the meeting. They must notify affected property owners and publish notice of the meeting in a newspaper of general circulation in the municipality.

EFFECTIVE DATE: October 1, 2015

PA 15-194—HB 6838

Energy and Technology Committee

AN ACT CONCERNING THE ENCOURAGEMENT OF LOCAL ECONOMIC DEVELOPMENT AND ACCESS TO RESIDENTIAL RENEWABLE ENERGY

SUMMARY: This act expands the Connecticut Green Bank's residential solar investment program and standardizes certain steps in the municipal permitting process for installing residential solar systems.

Regarding the solar investment program, the act:

1. allows the program to support up to 300 megawatts (MW) of new residential solar photovoltaic (PV) installations by the end of 2022, instead of requiring it to provide at least 30 MW of PV installations by that time;
2. requires the program to end on the earlier of December 31, 2022 or when it achieves 300 MW of installations;
3. creates solar home renewable energy credits (SHRECs) which are owned by the Green Bank and generated when certain residential PV systems produce electricity;
4. requires electric distribution companies (EDCs, i.e., Eversource and United Illuminating) to purchase SHRECs from the Green Bank under a master purchase agreement negotiated between each EDC and the Green Bank;
5. expands the program's funding sources to include proceeds from the Green Bank's sale of SHRECs to the EDCs; and
6. allows the EDCs to recover their costs for purchasing the SHRECs through a reconciling (adjustable) component of their electric rates, as determined by the Public Utilities Regulatory Authority (PURA).

Regarding the municipal permitting process, the act requires each municipality, by January 1, 2016, to (1) incorporate residential solar PV systems in its building permit application process or (2) use a residential solar PV system permit application supplement. It also requires municipalities to inform a permit applicant whether the application is approved or disapproved within 30 days of receiving an application.

The act also requires the Green Bank, in consultation with the state building inspector, to implement a residential solar PV system permit training

seminar for municipal officials developing a permitting process.

Lastly, it makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on municipal permitting are effective October 1, 2015.

RESIDENTIAL SOLAR INVESTMENT PROGRAM

By law, the Green Bank's residential solar investment program offers financial incentives for purchasing or leasing certain residential solar PV systems. The incentives are either (1) performance-based incentives paid out on a per kilowatt-hour (kWh) basis for the electricity the system produces or (2) expected performance-based buy downs that are a one-time upfront payment based on the system's expected performance.

The law provides these incentives for "qualifying residential solar PV systems." The act specifies that these systems are solar PV projects that:

1. receive funding from the Green Bank,
2. are certified by PURA as Class I renewable energy sources,
3. emit no pollutants,
4. generate less than 20 kilowatts (KW),
5. are on the customer-side of a one- to four-family home's revenue meter, and
6. serve an EDC's distribution system.

Prior law required the program to result in at least 30 MW of new residential PV systems by December 31, 2022. The act instead (1) requires the program to support the deployment of up to 300 MW of systems by that date and (2) terminates the program on either that date or when the program reaches the 300 MW cap, whichever occurs first. It also prohibits the bank from approving incentives for more than 100 MW of new systems between July 2, 2015 and April 1, 2016.

The law allows the Green Bank to fund the program with up to one-third of the funds annually collected through the charge on electric bills that supports the Clean Energy Fund, plus any available federal funding. The act requires the bank to also fund the program with all of the revenue it receives from the sale of SHRECs, which the act creates.

Prior law required the renewable energy produced from one of the program's PV systems to be applied toward the EDCs' renewable portfolio standard requirements (RPS, a requirement to obtain a certain percentage of their energy from renewable energy sources) if the system received tariff payments or was included in utility rates. The act eliminates this requirement once the master purchase agreement is approved and instead allows the EDCs to either retire the SHRECs they must purchase under the act to satisfy

their RPS requirements or resell them with the proceeds from the resale netted against contract costs.

Solar Home Renewable Energy Credits

The act creates SHRECs, which are Class I renewable energy credits created for each megawatt hour of electricity produced by qualifying residential solar PV systems that receive approved incentives from the Green Bank on or after January 1, 2015. A SHREC has an effective life that covers the year it was produced and the next calendar year. It is owned by the Green Bank until transferred to an EDC under the master purchase agreement.

Under the act, the Green Bank sets the purchase price for SHRECs, which must decline over time commensurate with the schedule of declining performance-based incentives and expected performance-based buy-downs. The price cannot exceed the lesser of (1) the preceding year's price for small Z-RECs (a similar renewable energy credit produced by certain zero-emission facilities) or (2) \$5 less per credit than the RPS alternative compliance payment (a 5.5 cents/kWh penalty for failing to meet RPS requirements). The act prohibits EDC customers who are eligible for the SHREC program from also being eligible for the small Z-REC program.

Master Purchase Agreement

The act requires the Green Bank, within 180 days after July 1, 2015, to negotiate and develop a 15-year master purchase agreement with each EDC requiring the EDC to purchase the bank's SHRECs. Each EDC's obligation to purchase SHRECs must (1) begin once PURA approves the agreement; (2) expire on December 31, 2022; and (3) be apportioned based on its distribution system's demand for electricity when the agreement begins, as determined by PURA.

The act requires the Green Bank and EDCs to negotiate in good faith to develop the agreement. If there are any outstanding issues 30 days after the negotiations start, either party may initiate a docket with PURA to resolve them. Once negotiations are complete, the Green Bank and EDCs must, by January 1, 2016, jointly file the agreement for PURA's approval. PURA must hold a contested case under the Uniform Administrative Procedure Act to approve, reject, or modify the agreement, which cannot become effective without PURA's approval. (The act does not specify what criteria PURA must use to approve, reject, or modify an agreement.)

EDC Cost Recovery

The act requires that EDCs timely recover their costs associated with complying with the act through a fully reconciling, non-bypassable rate component. Each EDC must annually file with PURA an accounting of all costs and fees it incurred while complying with the master purchase agreement.

The EDCs can resell or dispose of the energy or credits they purchased under the agreement, but the proceeds from the sale must be netted against the cost of payments they make to projects under the agreement. The difference must be credited or charged to the EDC's customers through a PURA-determined reconciling component of their electric rates that cannot be bypassed by switching electric suppliers.

Once the EDCs' obligation to purchase SHRECs expires, any Class I renewable energy credits (RECs) produced by a qualifying residential PV system must be transferred from the Green Bank to the PV system's EDC. The EDC must either (1) resell the credits into the New England Power Pool Generation Information System REC market for electric suppliers and EDCs to meet their RPS requirements or (2) keep the credits to meet its own RPS requirements. If a company sells the credits, the revenue from the sales must be credited to its customers. In deciding whether to resell or keep the RECs, the EDC must select the option that is in its ratepayers' best interests.

Other Provisions

The act requires the Green Bank to publish on its website, instead of in its biennial comprehensive plan, a proposed schedule for offering program incentives. By law, the Department of Energy and Environmental Protection (DEEP) must review and approve the schedule. Prior law allowed the Green Bank to modify an incentive schedule without DEEP's approval if changes in federal or state law or developments in the solar market would affect a typical residential PV system's expected return on investment by 20% or more. The act lowers this threshold to 10% and subjects the modification to DEEP's review and approval, thus eliminating the bank's ability to make any changes to the schedule without DEEP's approval.

The law requires the incentives, among other things, to meet a consumer's reasonable payback expectations. The act requires them to also provide the consumer with a competitive electricity price and adds the cost of financing the system to various other factors the bank must consider when setting the incentives (e.g., the value of energy offset by the system and the availability and value of other incentives).

The act eliminates a provision in prior law that prohibited customers who received the program's performance-based buy down from also receiving net metering credits (i.e. billing credits that allow customers to "run their meter backwards" based on how much excess electricity their PV system generates). It also extends, from January 1, 2016 to January 1, 2017, the deadline for the Green Bank's next biennially required report to the Energy Committee on the program's progress.

RESIDENTIAL SOLAR PERMITTING

The act requires each municipality, by January 1, 2016, to incorporate residential solar PV systems in its building permit application process or use a residential solar PV system permit application supplement. Under the act's permitting provisions, a residential solar PV system is equipment and devices that:

1. collect solar energy and generate electricity by photovoltaic effect,
2. have a nameplate capacity rating of 12 KW or less,
3. are installed on the roof of a single-family home, and
4. conform to the State Building Code.

The act allows a municipality, when developing a permitting process, to:

1. develop and post on its website a permit application for installing residential solar PV systems,
2. allow applicants to submit applications electronically, and
3. exempt the systems from certain municipal building permit application fees through an ordinance adopted by the municipality's legislative body.

The act requires municipalities to inform residential solar PV system permit applicants of the permit's approval or disapproval within 30 days after receiving the permit application. It allows local building officials, when inspecting the work completed under a permit, to use additional resources described in the International Residential Code portion of the State Building Code. Inspections must be performed according to this portion of the code.

The act specifies that its provisions do not authorize anyone to alter homes or structures in historic districts.

Training Seminar

By December 1, 2015, the act requires the Green Bank, in consultation with the State Building Inspector's Office, to plan, implement, and host five residential solar PV system permit training seminars in different municipalities to provide guidance and

information to municipalities seeking to develop a permitting process. In planning and implementing the seminars, the Green Bank may consult with (1) the Connecticut Conference of Municipalities, (2) the Connecticut Council of Small Towns, (3) the Renewable Energy and Efficiency Business Association, and (4) other organizations.

PA 15-22—SB 346
Environment Committee

AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE

SUMMARY: This act expands the items reimbursable to farmers under the farmland restoration program, which encourages farmers to restore farmland that has gone out of production. It also increases the maximum reimbursement under the program for management or restoration plans for certain state or municipal lands.

The act allows the agriculture commissioner to partially reimburse a farmer for the cost to develop, implement, and comply with a farm resources management plan or a farmland restoration plan, instead of only to develop a farm resources management plan. The commissioner must approve a management or restoration plan for it to be reimbursable.

Under prior law, reimbursement was limited to the lesser of \$20,000 or 50% of a plan's cost. For a plan on state or municipal land with an agricultural lease of at least five years, the act increases the reimbursable amount to the lesser of \$20,000 or 90% of a plan's cost.

The act also broadens the activities eligible for reimbursement under the farmland restoration program and permissible under the vacant public lands program to include (1) fence installation in restoration areas to keep wildlife out and manage livestock and (2) incidental land clearing done in connection with agricultural restoration. It does this by expanding the definition of "agricultural restoration purposes."

EFFECTIVE DATE: October 1, 2015

FARMLAND RESTORATION PLAN

Under the act, "farmland restoration plan" means a conservation plan of the U.S. Department of Agriculture's Natural Resources Conservation Service, a soil and water conservation district, or one the agriculture commissioner approves. It includes agricultural restoration purposes.

PA 15-5, June Special Session, § 121, specifies that a (1) "farmland restoration plan" includes conservation and restoration plans for leased or franchised shellfish beds and (2) "farmer" includes a lessee or franchise holder of a state or town shellfish bed.

AGRICULTURAL RESTORATION PURPOSES

Under existing law, "agricultural restoration purposes" already include:

1. reclaiming grown-over pastures and meadows;
2. installing fences to keep livestock out of riparian areas;

3. replanting vegetation on erosion-prone land or along streams;
4. restoring water runoff patterns;
5. improving irrigation efficiency;
6. conducting hedgerow management, including removing invasive plants and timber; or
7. renovating farm ponds through farm pond management.

VACANT PUBLIC LANDS PROGRAM

The law authorizes the agriculture commissioner to establish a program to encourage the use of vacant state property for gardening, agricultural purposes, or agricultural restoration purposes. To date, he has not established the program.

PA 15-23—sSB 347
Environment Committee

AN ACT CONCERNING THE PERCENTAGE OF STATE AND FEDERAL FUNDS THAT MAY BE USED TO PURCHASE OPEN SPACE UNDER THE OPEN SPACE AND WATERSHED LAND ACQUISITION PROGRAM

SUMMARY: This act increases, from up to 70% of total cost to up to 90% of fair market value, the amount of state and federal funds Open Space and Watershed Land Acquisition Grant Program grantees may use to fund their projects. In certain specified circumstances, the act also allows the Department of Energy and Environmental Protection (DEEP) commissioner to let a grantee use state and federal funds to cover 100% of the fair market value of their projects.

The act also eliminates restrictions on the amount of grants the commissioner may approve for municipal grantees that also receive certain federal funds.

EFFECTIVE DATE: Upon passage

USE OF FUNDS TO COVER 100% OF PROJECT VALUE

Under the act, the DEEP commissioner may allow a grantee to use Open Space and Watershed Land Acquisition Grant Program funds and any federal funds to cover 100% of the fair market value of a project if:

1. the grantee committed or spent significant resources toward (a) acquiring and preserving in perpetuity the subject land or (b) the care, maintenance, or preservation of the land;
2. the project will provide significant recreational opportunity or natural resource protection for the state; or

3. the project is located in an area of the state where there is a limited amount of land available for recreational opportunity or natural resource protection.

The above must be consistent with the program's intents and criteria.

RESTRICTIONS ON GRANT AMOUNTS ELIMINATED

The act eliminates restrictions on the amount of grants the commissioner may approve for a municipal grantee that also receives certain federal funds.

Under prior law, the commissioner could approve a program grant for a municipality where a federal grant is also made, but only up to one-half of the nonfederal share of open space land acquisition or development costs. Similarly, he could approve a program grant for a municipality where a federal rehabilitation or innovation grant under the Urban Park and Recreation Recovery Act is also made, but only up to 15% of the total project cost of such development or rehabilitation.

BACKGROUND

Open Space and Watershed Land Acquisition Grant Program

Under this program, DEEP provides grants to:

1. municipalities to acquire land for open space,
2. nonprofit land conservation organizations to acquire land for open space and watershed protection,
3. water companies (including municipal utilities) to acquire land that protects drinking water supplies, and
4. distressed municipalities and targeted investment communities to acquire land for open space or restore or protect open space land they already own.

The grants may not exceed certain amounts specified in statute. Most grants may not exceed 65% of the fair market value of the land to be acquired (75% if the land is located in a distressed municipality or target investment community).

PA 15-25—sSB 699

*Environment Committee
Judiciary Committee*

AN ACT ESTABLISHING A MINIMUM AGE FOR TOWING ANY PERSON BY VESSEL AND REQUIRING THE COMPLETION OF SAFE TOWING INSTRUCTION PRIOR TO THE ISSUANCE OF A SAFE BOATING CERTIFICATE

SUMMARY: This act requires, with limited exceptions, a person operating a vessel that must be registered or numbered under state law while towing someone engaged in water skiing to:

1. be at least age 16;
2. hold a (a) valid U.S. Coast Guard-issued vessel operator license, (b) Department of Energy and Environmental Protection (DEEP)-issued safe boating certificate (SBC) or certificate of personal watercraft operation (CPWO), or (c) boating safety certificate from a state with a reciprocal agreement with Connecticut; and
3. hold a DEEP-issued safe water skiing endorsement obtained after completing safe water skiing instruction.

The act also prohibits a vessel owner from knowingly allowing someone under age 16 to operate that vessel while towing someone engaged in water skiing.

Violators of the above requirements are subject to a fine of between \$60 and \$250 for each violation.

The above requirements do not apply to towing a person or vessel during an emergency that threatens human life or property. The safe water skiing endorsement requirement also does not apply to anyone who held a valid vessel operator license, SBC, CPWO, or boating safety certificate from a reciprocal state before October 1, 2015.

The act requires the DEEP commissioner to amend regulations that set out the content of safe boating operation courses. The revised regulations must (1) require the safe boating courses to include content on safe water skiing and (2) provide procedures for DEEP to issue and revoke safe water skiing endorsements. DEEP must include safe water skiing questions in the safe boating certificate examination. (PA 15-5, June Special Session, § 412, allows the commissioner to include in the amended regulations provisions establishing a fee for a safe water skiing endorsement and an alternative online course for the endorsement.)

The act also requires the commissioner to publish on DEEP's website safe water skiing information equivalent to what is included in the safe boating courses.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2015, except for the provisions requiring the commissioner to amend the safe boating regulations and publish information on DEEP's website, which are effective upon passage.

BACKGROUND

Water Skiing

By law, water skiing includes aquaplaning, towing anyone behind a vessel under power, and similar forms of activity (CGS § 15-127). Under the law, no one may:

1. operate a motorboat engaged in water skiing unless there is a responsible person at least age 12 on board assisting the operator and observing the water skier's progress,
2. water ski or operate a motorboat engaged in water skiing (a) anywhere water skiing is prohibited or (b) in a way that strikes or threatens to strike another person or vessel, or
3. water ski (a) from one-half hour after sunset to sunrise or (b) when weather conditions limit visibility to less than 100 yards (CGS § 15-134).

PA 15-35—sSB 866

Environment Committee

AN ACT CONCERNING THE LEASING OF LIGHTHOUSE BOTTOMLANDS

SUMMARY: This act expands the Department of Energy and Environmental Protection commissioner's authority to lease, or otherwise allow the occupancy of, submerged lands under or associated with lighthouses in order to preserve these structures pursuant to the National Historic Lighthouse Preservation Act (NHLPA). Prior law limited this authority to the Penfield Reef Lighthouse, off Fairfield's coast. The act extends it to include any lighthouse in Connecticut waters.

Under the act, the leases must be (1) for 30 years and subject to renewal if the lighthouse is sold under the NHLPA or (2) coterminous with the lighthouse's lease. They must also ensure consistency with the state's coastal management law and such other state interests as preserving historic structures, public education, and allowing reasonable public access when a nonprofit organization is the lessee. The act specifies that lessees must obtain the local, state, or federal permits required to build new structures or appurtenances on the submerged lands.

Prior law required the Penfield Reef Lighthouse lease or authorization to be for (1) up to 10 years, subject to renewal, and (2) consideration the commissioner set. The lease or authorization had to ensure preservation, public education, and reasonable public access regardless of the lessee.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Federal Law

The 2000 National Historic Lighthouse Preservation Act (NHLPA, 16 USC § 470w-7) creates a formal process for federal agencies to follow when transferring certain lighthouses no longer needed for maritime navigation. The process applies to lighthouses on or eligible for the National Register of Historic Places.

PA 15-38—SB 940

Environment Committee

Planning and Development Committee

AN ACT CONCERNING THE SUSTAINABILITY OF THE NITROGEN CREDIT EXCHANGE PROGRAM

SUMMARY: This act phases out the Department of Energy and Environmental Protection's (DEEP) obligation to purchase all equivalent nitrogen credits created by publicly owned wastewater treatment facilities under the Nitrogen Credit Exchange Program. The program, overseen and managed by DEEP, was created to help these facilities comply with required nitrogen discharge limits and reduce the amount of nitrogen entering Long Island Sound.

By law, DEEP's General Permit for Nitrogen Discharges limits the total amount of nitrogen these treatment facilities discharge. The permit sets individual limits for each facility. Facilities comply with their discharge limits by (1) reducing nitrogen discharge or (2) purchasing credits, through DEEP, from facilities that reduced their discharges below their permit levels.

Under prior law, the DEEP commissioner had to annually purchase all available nitrogen credits. Under the act, he must instead purchase:

1. by August 14, 2015, all credits created through December 31, 2014;
2. by August 14, 2016, all credits created through December 31, 2015; and
3. beginning August 15, 2016, only the credits necessary to meet the nitrogen limits in the general permit.

The act thus reduces the amount of credits the commissioner must purchase each year to only those needed to meet the purchasing facilities' requirements.

EFFECTIVE DATE: Upon passage

BACKGROUND

Nitrogen in Long Island Sound

The federal Clean Water Act requires states with water bodies that do not meet water quality standards to develop a plan to bring them into compliance. As part of the process, states must determine the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards (total maximum daily load or TMDL). In 2001, the U.S. Environmental Protection Agency approved the TMDL for Long Island Sound, setting a nitrogen reduction goal to be reached by 2014. Connecticut met its goal.

Nitrogen Credits

Nitrogen credits are created when a facility reduces its nitrogen discharges below the maximum level allowed by DEEP's general permit. DEEP adjusts the credits, resulting in equivalent nitrogen credits, to account for the relatively greater harm to Long Island Sound from nitrogen discharged closer to the shoreline. A credit's value is set annually through a process where an advisory board calculates and proposes the value, DEEP publishes it, and, absent a challenge, it becomes final.

PA 15-52—sHB 6733

Environment Committee

AN ACT CONCERNING CERTAIN COMMERCIAL FISHERY LICENSURE REFORMS

SUMMARY: This act makes numerous changes in the commercial fishing statutes. Among other things, the act:

1. expands the marine species the Department of Energy and Environmental Protection (DEEP) regulates to include whelk (also called conch), which was previously regulated by the Department of Agriculture (DoAg);
2. (a) establishes, and sets fees for, a whelk license, restricted commercial fishing license, and restricted commercial lobster pot fishing license; (b) establishes a fee for a quota-managed species endorsement; and (c) decreases the fee for a personal use lobster fishing license;

3. establishes an annual renewal period for limited access licenses under which a license holder must apply for renewal annually by March 31 or the license will be retired;
4. limits the (a) transfer of certain resident limited access licenses to state residents and (b) duration of a temporary license reissued because of a license holder's temporary incapacity to 12 months or the period of incapacity, whichever is shorter; and
5. makes a matter of public record (a) the identity of license, permit, registration, and endorsement holders and (b) aggregate catch or landings data grouped by species, month, and statistical catch area.

The act also changes the penalties for violating the commercial fishing statutes. It:

1. increases the general penalty for violating the commercial fishing licensing statutes from a fine of up to \$500, imprisonment for up to 30 days, or both, to a class C misdemeanor for a first offense and class B misdemeanor for a subsequent offense (see Table on Penalties) and makes the taking or possession of each animal in violation of the law a separate offense;
2. decreases the penalty for violating blue crab sport fishing regulations from a fine of up to \$500, up to 30 days imprisonment, or both, to an infraction;
3. increases the penalty for falsifying a quota-managed species report submitted to the DEEP commissioner from an infraction to a class D misdemeanor (see Table on Penalties); and
4. allows the commissioner to suspend the license, permit, registration, or endorsement of a person who fails to report information (including employment data, boats and devices used to fish, and catch and landing information) to him as required by existing law.

The act also (1) streamlines terminology by assigning specific terms to commonly understood licenses and activities and (2) makes other minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2016

WHELK FISHING

By law, DEEP regulates certain marine species for commercial fishing purposes, including bait species, crabs, lobsters, finfish, horseshoe crabs, sea scallops, and squid. The act expands the species DEEP regulates to include whelk. Together, the act refers to all of these as "regulated species."

Prior law allowed the DoAg commissioner to issue licenses to people taking conchs (i.e., whelk). Thus, by repealing the agriculture statute, the act transfers regulatory authority for whelk from DoAg to DEEP.

The act increases the penalty for taking more than one-half bushel of whelk daily without a license. Under the act, this is a class C misdemeanor for the first offense and a class B misdemeanor for subsequent offenses. Under prior agriculture law, it was a class D misdemeanor.

Under the act, a whelk license from DEEP costs \$100 and expires on the December 31 following its issuance. Under prior agriculture law, a conch license cost \$100 and was valid for one year from its date of issuance.

NEW FEES AND LICENSES

Quota-managed Species Endorsement

The act establishes a \$15 fee for a quota-managed species endorsement. A “quota-managed species” is a regulated species DEEP manages through a seasonal or annual commercial harvest limit.

Existing regulations set possession limits (i.e., quotas) for various species (e.g., summer flounder, black sea bass, and scup) and require a person to hold a DEEP-issued endorsement to fish these species (Conn. Agencies Reg. § 26-159a-1 et seq.). The act explicitly prohibits a person from possessing or landing a quota-managed species unless he or she, or the owner of the principal commercial fishing vessel used to take the species, holds a DEEP-issued endorsement. The commissioner may waive the endorsement requirement for someone possessing only a small amount of the species.

Under the act, the commissioner may revoke a person’s commercial vessel permit when that person is convicted of, or upon the forfeiture of a bond taken upon any complaint for, possessing more than 20% above the possession limit for the quota-managed species or 50 pounds, whichever is greater.

Restricted Commercial Fishing License

The act establishes a restricted commercial fishing license, which costs \$125 for residents and \$250 for non-residents. It defines “restricted commercial fishing” as (1) commercial fishing in which hook and line are used to take squid and finfish, other than American shad or bait species or (2) taking menhaden by use of a gill net that is up to 200 feet long, set, and retrieved, manually and personally attended to when in use. A license expires on the December 31 following its issuance.

Restricted Commercial Lobster Pot Fishing License

The act also establishes a restricted commercial lobster pot fishing license, which costs \$125 for residents and \$250 for non-residents. Under the act, “restricted commercial lobster pot fishing” means commercial fishing using only up to 50 lobster pots to take and land regulated species other than blue crab. A license expires on the December 31 following its issuance.

Personal Use Lobster Fishing License

The act decreases, from \$120 to \$60, the fee for a personal use lobster fishing license. Under the act, “personal use lobster fishing” means (1) using up to 10 lobster pots to take lobsters and finfish for personal use or (2) taking lobsters for personal use by hand, skin, or scuba diving. Finfish must be taken incidental to lobster fishing and in accordance with recreational fishery creel limits, length limits, and seasons adopted in accordance with state law. By law, a license expires on the December 31 following its issuance.

LIMITED ACCESS LICENSES

Definition

The act defines a “limited access license” as any endorsement, license, permit, or registration limited in number either by statute or the DEEP commissioner. This includes quota-managed species endorsements, specified limited access licenses (i.e., commercial lobster pot, principal commercial, and general commercial fishing licenses), and associated commercial fishing vessel permits. The specified limited access licenses may be issued only to people who held one at any time from June 1, 1995 to December 31, 2003.

Renewal

By law, all commercial fishing licenses, registrations, and permits expire on the December 31 following their issuance. A person may purchase a new license, registration, or permit at any time during the calendar year and it remains valid until December 31 of that year. The act extends these provisions to endorsements.

But for limited access licenses, the act establishes a specific annual renewal period. The license expires December 31 but may be renewed through March 31. If a person does not renew his or her limited access license by March 31 and associated commercial fishing vessel permit annually, the limited access license is retired. A person whose license is retired may apply for a new license through any means the DEEP commissioner

establishes.

The act allows the commissioner, in managing the number of limited licenses issued, to (1) consider an applicant's recent fishing activity, (2) use a random drawing, (3) lease up to 20% of the available harvest of any quota-managed species, or (4) use other methods to manage the number of fishing participants.

Transferring Certain Limited Access Licenses

By law, fishing licenses, registrations, and permits are generally nontransferable, except as the law authorizes. Under the act, endorsements are similarly nontransferable.

The law allows the DEEP commissioner to temporarily reissue certain limited access licenses to an immediate family member or crew member when a license holder becomes temporarily incapacitated. Under the act, this applies to active principal commercial fishing, general commercial fishing, and commercial lobster pot fishing licenses. Prior law limited a temporary license to the period of incapacity. The act instead limits the duration of a temporary license to the period of incapacity or 12 consecutive months, whichever is shorter.

In addition, the law allows the commissioner to authorize the holder of one of these limited access licenses to transfer it to another person if he or she held the license and landed regulated species for at least five of the eight previous calendar years and reported landings to the commissioner as required by law. Under the act, if the license to be transferred is a resident license, the person receiving it must also be a state resident.

By law, the original license holder may not renew a license that he or she transfers, but he or she may acquire a new license through a subsequent transfer. The law also prohibits a transfer if a license, registration, or permit is under suspension or a party to the transfer had a license, registration, or permit revoked or suspended within the preceding 12 months. Additionally, if the holder of one of these limited access licenses dies, the commissioner may authorize the transfer of the license for a two-year period.

PUBLIC INFORMATION

The act makes certain commercial fishery information public. The law makes confidential any individually identifiable information from any report that license holders are required to submit to the DEEP commissioner. But the commissioner may release the information for research, management and development, and law enforcement purposes.

The act makes public:

1. the identity of people holding any license,

permit, registration, or endorsement issued under the commercial fisheries law, and any associated fishing privileges established by law or regulation and

2. catch or landings data aggregated by species, month, and statistical catch area.

ADDITIONAL CHANGES

The act expands the DEEP commissioner's authority to regulate commercial fishing activities by allowing him to determine limits on processing fish at sea in order to preserve species identification and prevent wasteful harvest practices.

The act allows environmental tourism vessels to bring ashore (i.e., land) regulated species. Prior law prohibited them from landing any regulated species. Under the act, an "environmental tourism vessel" is a vessel used to carry passengers for hire to learn about, observe, and collect marine or estuarine species using commercial fishing gear under the conditions specified in the related DEEP-issued permit.

The act allows a vessel used to take regulated species to use a fish pump when offloading a catch at a shore-side facility. Prior law prohibited any use of a fish pump.

PA 15-66—sHB 6839

Environment Committee

Planning and Development Committee

AN ACT CONCERNING A LONG ISLAND SOUND BLUE PLAN AND RESOURCE AND USE INVENTORY

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner, within available resources, to:

1. coordinate the completion of an inventory of Long Island Sound's uses and natural resources by a UConn subcommittee (i.e., the "Long Island Sound Resource and Use Inventory") and
2. develop a plan to preserve and protect the Sound that may include maps, illustrations, and other media (i.e., the "Long Island Sound Blue Plan").

The commissioner must do these things in conjunction with a 16-member Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee, which the act creates.

The act establishes a process for developing the inventory and plan, including provisions for public input. The draft inventory and plan must be completed by March 1, 2019, and the public must have at least 90

days for review and comment. The commissioner must adopt a final draft plan within 90 days after the public comment period ends. Once final, the plan must be (1) reviewed by the Environment Committee and (2) submitted to the General Assembly for approval before it can take effect. The act requires the inventory and plan to be reviewed and updated every five years.

Under the act, the plan's policies, locations, or standards must apply in a spatial planning area as depicted on a map the advisory committee prepares. DEEP and other state or local agencies must consider the plan when reviewing applications to conduct certain coastal activities.

EFFECTIVE DATE: July 1, 2015

LONG ISLAND SOUND RESOURCE AND USE INVENTORY

Under the act, the inventory must be completed by a Long Island Sound Inventory and Science subcommittee convened by UConn. It must comprise the best available information and data on the Sound's natural resources and uses, including all of its:

1. plants, animals, and habitats;
2. ecologically significant areas in nearshore and offshore waters and their substrates (i.e., surfaces where organisms grow);
3. uses of the waters and substrates, such as (a) boating and fishing; (b) waterfowl hunting; (c) shellfish beds; (d) aquaculture and energy facilities; (e) shipping corridors; and (f) electric power line, gas pipeline, and telecommunications crossings; and
4. updates and additions to the comprehensive environmental assessment and plan on Long Island Sound crossings (such as pipelines).

LONG ISLAND SOUND BLUE PLAN

Purposes

The act requires the plan to:

1. establish the state's goals, siting priorities, and standards for effective stewardship of the Sound's waters held in trust for public benefit;
2. promote science-based management practices that consider existing natural, social, cultural, historic, and economic characteristics of planning areas within the Sound;
3. preserve and protect traditional riparian and water-dependent uses and activities;
4. promote maximum public access to the Sound's waters for traditional public trust uses, such as boating and fishing, unless restricting access is (a) a national security interest or (b) necessary to protect coastal resources or

5. preserve public health, safety, and welfare;
6. reflect the Sound's importance to state residents who make a living from boating or fishing or enjoy recreational boating or fishing;
7. analyze the implications of existing and potential uses and users of the Sound, focusing on avoiding conflicts;
8. reflect the value of biodiversity and ecosystem health with regard to ecosystem interdependence;
9. identify and protect special, sensitive, or unique estuarine and marine life and habitats, such as scenic and visual resources;
10. adapt to evolving knowledge and understanding of the marine environment, including climate change and sea level rise adaptation;
11. foster sustainable uses that capitalize on economic opportunity without significant detriment to the Sound's ecology or natural beauty;
12. support infrastructure needed to sustain the state's economy and quality of life;
13. identify appropriate locations and performance standards for activities, uses, and facilities regulated under state permit programs, such as measures to guide siting uses in ways consistent with the plan; and
14. reflect the importance of planning for the Sound as an estuary that crosses state boundaries, including identifying potential measures that encourage the planning.

Under the act, the plan must be consistent with the inventory described above and provide for ongoing acquisition and application of up-to-date resource and use data, including seafloor mapping. It must also be consistent with the State's Plan of Conservation and Development and the goals and policies in the state's Coastal Management Act.

The act requires the plan to be developed by a transparent and inclusive process that seeks widespread public and stakeholder participation and encourages public input in decision making. The plan must be coordinated, developed, and implemented with New York, to the greatest extent feasible. It must also be coordinated, to the greatest extent feasible, with local, regional, and federal planning entities and agencies that include the (1) Connecticut-New York Bi-State Marine Spatial Planning Working Group, (2) Long Island Sound Study, and (3) National Ocean Policy's Northeast Regional Planning Body (see BACKGROUND).

Areas Subject to the Plan

Waters and Submerged Lands. The waters and submerged lands subject to the commissioner's

planning, management, and coordination authority under the plan include Long Island Sound and its bays and inlets, from the mean high water line to the state's waterward boundaries with New York and Rhode Island. The act specifies that the high water line is defined by the most recent data of the National Oceanic and Atmospheric Administration.

Spatial Planning Area. The act requires the advisory committee (see below) to prepare a map showing a spatial planning area where the plan's siting policies, location identifications, or performance standards for activities, uses, and facilities must apply.

The act specifies that the spatial planning area is located seaward of the bathymetric contour (line of underwater depth) of minus ten feet North American Vertical Datum to the state's waterward boundaries with New York and Rhode Island. But it does not extend into (1) any river that flows into the Sound beyond the first motor vehicle or railroad bridge crossing the river or (2) an area along the river that the economic and community development (DECD) commissioner approves as an enterprise zone, which, under the act, must be known as a defense plant zone.

PUBLIC INVOLVEMENT AND COMMENTS

Developing the Draft Inventory and Plan

To help the commissioner develop the inventory and plan, the act requires the advisory committee to hold at least three public hearings in different coastal municipalities to receive public comments and submissions. The act requires that one hearing each be held (1) east of the Connecticut River, (2) west of the Housatonic River, and (3) between the Connecticut and Housatonic rivers. It allows the committee to provide other public outreach and input measures to assure stakeholder engagement and representation.

While helping to complete the draft inventory and plan, prior to its availability for public comment, the committee must consult with the DECD commissioner and representatives from:

1. the telecommunications industry,
2. waterfront businesses,
3. the state's two federally recognized Indian tribes, and
4. the tourism or recreation industry.

To the extent feasible, the committee also must consult with applicable New York state agencies, advisory counterparts, and the Connecticut-New York Bi-State Marine Spatial Planning Working Group to create a mutually agreeable process to develop the inventory and plan.

After Draft Completion

Once the draft inventory and plan are completed, the act requires the DEEP commissioner to make them available for public review and comment for at least 90 days. He must post them, and the notice of public comment period, on DEEP's and the Office of Policy and Management's (OPM) websites. Notice must also be published in the *Environmental Monitor* and the *Connecticut Law Journal*.

The commissioner must adopt a final draft no later than 90 days after the public comment period ends.

GENERAL ASSEMBLY REVIEW

Under the act, once a final draft of the plan is completed, the commissioner must submit it to the Environment Committee for review. The committee must hold a public hearing on the plan within 45 days after the start of the next legislative session. It must, within 45 days after this hearing, submit to the General Assembly (1) the plan and (2) its recommendation for approval or disapproval.

The plan takes effect when it is approved by a majority vote of each chamber. If the legislature disapproves it, in whole or part, it is deemed rejected and must be returned to the advisory committee for revision.

The act requires revisions to the inventory and plan to be submitted to the Environment Committee and approved by the General Assembly, following the same procedure as described above. The DEEP commissioner is responsible for reviewing and updating the inventory and plan at least once every five years.

PUBLIC OUTREACH PROGRAM

The act requires the DEEP commissioner to develop and implement a public outreach and information program to inform the public about the plan. It also requires the advisory committee to hold at least one public hearing each year to receive public comments and submissions on the inventory and plan. The program and hearing must be accomplished within available resources.

USE OF THE INVENTORY AND PLAN

Under the act, once the inventory and plan are approved as described, the plan must be considered when reviewing applications for:

1. aquaculture operations permits or producer licenses and seaweed planting and cultivation licenses;
2. shellfish grounds leases and licenses;

3. certificates of environmental compatibility and public need from the Connecticut Siting Council;
4. emergency or temporary authorizations for certain regulated activities to prevent loss of life, health, wealth, or property;
5. electric power line, gas pipeline, or telecommunications crossings of Long Island Sound;
6. dredging; erecting structures; placing fill, obstructions, or encroachments; or conducting work related to these activities in tidal, coastal, or navigable waters waterward of the coastal jurisdiction line;
7. coastal structure maintenance and other activities eligible for a certificate of permission from DEEP;
8. discharging water, substances, or materials into state waters; or
9. a state water quality certification pursuant to federal law.

The act allows the plan to be used for guidance in pre-application discussions between applicants and the DEEP commissioner.

It also requires the commissioner to seek federal approval needed to incorporate the plan as an enforceable policy in the state’s coastal management program under the federal Coastal Zone Management Act.

ADVISORY COMMITTEE

Membership

Under the act, the advisory committee consists of 16 members. It includes (1) the DEEP, transportation, and agriculture commissioners, or their designees; (2) the OPM secretary, or his designee; (3) one Connecticut Siting Council representative; and (4) 11 appointed members, as Table 1 shows.

Table 1: Advisory Committee Appointees

Appointing Authority	Number	Qualifications
Governor	Five	A faculty member from UConn’s marine sciences programs A representative of the gas and electric distribution industries A representative of the shellfish industry or an organization familiar with commercial or recreational aquaculture A representative of a nonprofit conservation organization with expertise in marine assessments and planning A representative of coastal municipalities

Appointing Authority	Number	Qualifications
Senate president pro tempore	One	A representative of a conservation organization that specializes in coastal issues
Senate majority leader	One	A representative of the commercial boating or shipping industries
Senate minority leader	One	A representative of the marine trades industry
House speaker	One	A representative of the commercial finfish industry
House majority leader	One	A representative of coastal municipalities
House minority leader	One	A representative of the recreational fishing and hunting community

Under the act, the DEEP commissioner serves as the committee’s chairperson and must convene the first meeting by August 30, 2015 (i.e., 60 days after the act’s effective date). The act allows him to ask committee members to help with administrative functions, such as convening and noticing meetings and drafting assessments and reports.

The act places the committee in DEEP for administrative purposes only. Thus, it makes DEEP responsible for, among other things, providing administrative and clerical functions for the committee to the extent the DEEP commissioner considers necessary.

Committee Responsibilities

In addition to helping the DEEP commissioner develop the draft inventory and plan, the act requires the committee to advise the commissioner on operating, implementing, and updating the inventory and plan within six months after the General Assembly’s approval. It must also meet quarterly to review the plan’s implementation, identify emerging issues, and recommend any needed or desired changes to the plan.

BACKGROUND

Long Island Sound Study

In 1985, in an effort to better protect Long Island Sound, the federal Environmental Protection Agency, Connecticut, and New York formed the Long Island Sound Study, a partnership of federal and state agencies, user groups, organizations, and individuals seeking to restore and protect the Sound.

National Ocean Policy's Northeast Regional Planning Body

Formed by a presidential Executive Order in 2010, the National Ocean Policy encourages a science-based spatial planning process to analyze current and future uses of ocean, coastal, and Great Lakes areas. The approach is executed through regional planning bodies. Members of the Northeast Regional Planning Body include federal, tribal, state, and New England Fishery Management Council representatives.

PA 15-92—SB 867

Environment Committee

AN ACT CONCERNING THE ENFORCEMENT OF FIREWOOD TRANSPORT RESTRICTIONS BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

SUMMARY: This act (1) reduces the penalty for transporting firewood in violation of a Connecticut Agricultural Experiment Station (CAES) plant pest quarantine or regulation and (2) allows violators to pay fines without having to appear in court, using the mail-in procedures for infractions and certain violations.

Under prior law, the fine for violating any CAES quarantine or regulation on plant pests was at least \$500, up to a maximum of \$2,500. The act reduces the fine for improperly transporting firewood for (1) sale to \$200 and (2) personal use to (a) a warning for first-time violators who disclose the wood's point of origin and (b) \$85 for subsequent offenders. It appears that violators who fail to disclose the origin information are subject to the \$85 fine regardless of whether it is a first or subsequent offense.

Existing law charges the CAES director with controlling insects or diseases (e.g., the Asian longhorned beetle or emerald ash borer) that threaten plants of economic importance. He may (1) prohibit or regulate the transport of plants and plant material likely to carry dangerous pests and (2) enforce other provisions of the law concerning plant and insect disease and infestation. Under CAES regulations, improperly transported firewood must be (1) returned to its point of origin, (2) disposed of onsite, or (3) transported elsewhere for disposal (Conn. Agencies Reg. § 22-84-5g).

EFFECTIVE DATE: Upon passage

PA 15-101—SB 360

Environment Committee

AN ACT AUTHORIZING HERD SHARES WITHIN THE PRODUCTION OF MILK AND RAW MILK PRODUCTS AND THE MANUFACTURE OF CHEESE FOR PERSONAL CONSUMPTION

SUMMARY: This act exempts the transfer or exchange of raw milk between people in a shared animal ownership agreement from the general ban on selling or distributing raw milk from an unregistered dairy farm or offering it for barter, exchange, or sale.

A "shared animal ownership agreement" is a contract in which someone:

1. acquires an interest in a milk-producing animal;
2. agrees to pay, reimburse, or accept financial responsibility for the animal's care and board; and
3. receives a share of the raw milk the animal produces.

The law generally requires anyone producing or manufacturing retail raw milk or raw milk cheese for use or disposal off-premises to register with the Agriculture Department (CGS § 22-173a). Producing raw milk for personal consumption or consumption by immediate relatives is already exempt.

EFFECTIVE DATE: Upon passage

PA 15-103—SB 870

Environment Committee

Planning and Development Committee

AN ACT CONCERNING THE DUTIES OF ANIMAL CONTROL OFFICERS

SUMMARY: This act extends the duties of animal control officers (ACOs) to include enforcing laws on domestic animals, instead of just dogs. In practice, ACOs already work with other domestic animals, and by law, ACOs may arrest someone who violates the laws relating to dogs or other domestic animals (CGS § 22-330).

The act requires municipal pounds to accommodate domestic animals, in the same way that they must accommodate dogs. By law, municipalities, other than those participating in a regional pound, must (1) provide and maintain a suitable building to comfortably keep and care for detained dogs and (2) provide veterinary care for those dogs.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

ACO MAY TAKE CUSTODY OF DOMESTIC ANIMALS

The act extends the duties of ACOs to include taking control of other domestic animals, instead of just dogs. In doing so it allows an ACO to (1) take custody of a domestic animal found injured, neglected, abandoned, or mistreated and (2) impound it or, if necessary, put it down humanely. An ACO must immediately notify the animal's keeper of an impoundment, if the keeper is known. If the keeper is unknown, the ACO must advertise the impoundment in a newspaper and on pet adoption websites. If an animal is not claimed, the ACO may sell it or, as a last option, put it down humanely. Anyone aggrieved by an ACO's taking of an animal may complain to the ACO's appointing authority.

PA 15-105—sSB 865

Environment Committee

Energy and Technology Committee

Planning and Development Committee

AN ACT CONCERNING ALLOWABLE COSTS FOR THE INSTALLATION OF CERTAIN OVERSIZED WATER MAINS

SUMMARY: This act increases the grant amount certain municipalities receive to provide long-term potable water supply facilities (e.g., water mains) that meet public water supply needs.

By law, the Department of Energy and Environmental Protection (DEEP) may require municipalities to provide long-term potable water to people whose water is contaminated. Municipalities not responsible for the contamination may apply to DEEP for a grant to design and construct facilities to provide the water. Under current regulations, for projects that provide capacity beyond what is necessary for the polluted area, DEEP reduces the total construction cost amount eligible for a grant. The reduction is based on a formula that takes into account a project's total cost and the additional proposed capacity (Conn. Agencies Reg. § 22a-471-1).

The act prohibits DEEP from reducing the grant amount for a project in any area of a municipality next to a federal Superfund site where the (1) project involves a water line extension, (2) federal government provides fire flow capacity, and (3) water is groundwater provided by a municipal water company. Under the act, if the municipality upgrades the

minimum size water main needed to address the pollution for fire flow purposes, it is responsible for paying only the incremental cost (i.e., amount in excess of what is needed to fund the minimum size water main).

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Superfund

“Superfund” is the name of the environmental program established to address abandoned hazardous waste sites. It is also the name of the fund established by the 1980 Comprehensive Environmental Response, Compensation and Liability Act that allows the U.S. Environmental Protection Agency (EPA) to clean up such sites and compel responsible parties to perform cleanups or reimburse the government for EPA-led cleanups.

PA 15-106—sSB 1061

Environment Committee

Transportation Committee

Appropriations Committee

AN ACT CONCERNING THE FISCAL SUSTAINABILITY OF STATE PARKS

SUMMARY: This act requires anyone who has a contract with the Department of Rehabilitation Services (DORS) for the operation of a food service facility, vending machine, or stand in a state park to report to DORS annually, by December 1, the revenue generated under the contract. DORS must submit the reports to the Department of Energy and Environmental Protection (DEEP) commissioner, who must compile certain information about the generated revenue, including if any must be paid to the state.

The act also requires the DEEP commissioner to (1) develop a request for information (RFI) on operating concessions, providing services, and offering recreational amenities at state parks and (2) provide the Environment Committee a written evaluation of the responses by December 1, 2015.

Additionally, the act requires the DEEP commissioner to (1) establish fees for renting state park property for special events of limited duration (e.g., weddings and receptions) based on the number of people in attendance and (2) amend the Adopt a Park program to recognize those who make charitable donations of at least \$2,500.

EFFECTIVE DATE: July 1, 2015, except for provisions relating to state park concessions, which are

effective on passage.

§ 1 — STATE PARK CONCESSION REVENUE REPORTS

The act requires anyone who has a contract with DORS for the operation of a food service facility, vending machine, or stand in a state park to report to DORS annually, by December 1, the revenue generated under the contract.

By January 1, annually, DORS must compile the reports and give them to the DEEP commissioner. Each year, by January 30, the commissioner must compile information on the:

1. number of food service facilities, vending machines, and stands in state parks, and the locations of the parks;
2. amount of revenue generated by the facilities, machines, and stands;
3. contractual agreement or statute that (a) requires a portion of the revenue to be paid to the state or (b) prohibits or limits such a payment;
4. amount of revenue paid to the state in the prior calendar year; and
5. how the state used the revenue, if he can determine it.

§ 2 — STATE PARK CONCESSION REQUEST FOR INFORMATION

The act requires the DEEP commissioner, by August 15, 2015, to develop an RFI on operating concessions, providing services, and offering recreational amenities at state parks. This must include concessions that are year-round and share revenue with DEEP through a revenue sharing formula. Services must include parking options such as advanced reservations and curbside parking.

The act requires the DEEP commissioner, by September 15, 2015, to forward (1) the RFI to the administrative services commissioner for posting on the state's contracting portal and (2) a copy of the RFI to any private vendor he knows that provides such concessions, services, and amenities.

By December 1, 2015, the DEEP commissioner must forward to the Environment Committee a (1) copy of the responses the RFI generated and (2) written evaluation of the responses, including any recommendation for offering concessions, services, and amenities at state parks that were not offered as of the act's passage.

§ 3 — SPECIAL EVENT USER FEES AT STATE PARKS

The act requires the DEEP commissioner, by July 31, 2015, to establish fees for renting state park property

for special events of limited duration (e.g., weddings and receptions) based on the size of the event.

By law, such fees must be deposited into the "maintenance, repair, and improvement account" in the General Fund, unless the commissioner specifically agrees otherwise (CGS § 23-15b). Account funds are used to make improvements to state parks.

§ 4 — ADOPT A PARK PROGRAM

The act requires the DEEP commissioner, by July 31, 2015, to amend its "Adopt a Park" program to recognize those who financially sponsor a park through charitable contributions of at least \$2,500. The commissioner must recognize a sponsor by putting up a placard at the adopted park that shows the person's, organization's, or corporation's name and level of sponsorship. He may establish multiple tiers for sponsorship.

PA 15-121—sHB 6729

Environment Committee

AN ACT CONCERNING THE USE OF CERTAIN NOISE-MAKING DEVICES FOR AGRICULTURAL PURPOSES

SUMMARY: This act makes changes in the law requiring a Department of Agriculture (DoAg) permit to use a noisemaking device to deter wildlife from damaging crops. By law, these devices, known as "corn cannons," include acetylene, carbide, or propane exploders; electronic noisemakers; and similar noisemaking devices.

The act requires permit applicants to include an estimate of potential crop loss with the information they provide in their application to the DoAg commissioner. It makes optional, rather than mandatory, on-site inspections by the commissioner or his designee before making a final decision on an application. And it allows the commissioner to consult wildlife experts when considering whether to deny or cancel a permit.

The act adds to the law's operation requirements that the devices be (1) operated according to manufacturer recommendations and any commissioner-imposed conditions and (2) labeled with the operator's contact information.

It restricts the circumstances in which the commissioner may exercise his authority to revoke a permit for a violation of the noisemaking device law. Instead of allowing him to revoke one for any violation, the act requires him, or his designee, to issue warning notices for the first two violations in a year, and restricts revocation to cases of three violations in a year. It creates a procedure to appeal revocation orders.

The act establishes a fine of \$100 for a first offense and \$300 for any subsequent offense for operating a device without a permit and allows violators to pay the fine by mail without appearing in court. It specifies that each device operated in violation of the law is a separate offense.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2015

APPLICATION REQUIREMENTS

By law, permit applicants must provide the commissioner with (1) evidence of the need to protect crops and (2) a description of other methods used to prevent crop damage. The act requires them to also give an estimate of the potential loss, as a percentage of the crop, due to wildlife.

Other information the law requires applicants to give includes the (1) type of device to be used; (2) locations, hours, and intervals of operation; (3) animal causing damage; (4) crop needing protection; and (5) applicant's or landowner's contact information and signature.

OPERATING REQUIREMENTS

The act requires noisemaking devices to be operated according to (1) the manufacturers' recommendations and (2) any written conditions in the permit that the commissioner or his designee deem appropriate. It requires each device to have a securely fixed, legible, weather-resistant tag with the operator's name, address, and phone number.

Existing law (1) limits the devices' decibel levels and hours of operation and (2) prohibits their use in a way that endangers the public.

PENALTIES

Permit Denial, Cancellation, or Revocation

Denial or Cancellation. By law, the commissioner may deny or cancel a permit if a municipal legislative body adopts a resolution requesting him to do so and he determines that a device causes or will cause undue hardship to nearby residents. In making this determination, the law allows him to consult with county or statewide advisory groups. The act allows him to also consult with experts in wildlife damage to crops.

Revocation. Prior law allowed the commissioner, at his discretion, to revoke a permit for a first or second violation. It required him to do so, for a period of at least one year, for a third violation. The act instead (1) requires him, or his designee, to issue warning notices for the first two violations occurring in a 12-month period and (2) limits revocation to cases where three violations occur in a 12-month period. It retains the

minimum one-year duration for a revocation.

Under the act, anyone whose permit is revoked may appeal the order by making a written request for a hearing. The request must be received by the commissioner no later than 15 days after the order's date. The act allows the commissioner to appoint a hearing officer to hear an appeal and render a final decision. The officer may consider only whether the alleged violation occurred. A revocation order remains in effect during an appeal until the officer makes the final decision.

Fines

The act establishes a fine for operating a noisemaking device (1) without a permit, (2) during an appeal to revoke one, or (3) after a revocation.

It subjects violators to a \$100 fine for a first offense and \$300 for second and subsequent offenses. Violators may pay the fine without appearing in court, using the mail-in procedures for infractions and certain violations.

PA 15-160—sHB 6730

Environment Committee

General Law Committee

AN ACT CONCERNING THE ENFORCEMENT OF STAGE I VAPOR RECOVERY RESTRICTIONS AND SULFUR CONTENT REQUIREMENTS FOR DISTILLATE FUELS

SUMMARY: This act establishes a procedure under which the Department of Energy and Environmental Protection (DEEP) commissioner may enforce proper operation of stage I vapor control recovery systems at gasoline dispensing facilities, such as gas stations. Stage I systems prevent the discharge of gasoline vapors into the air when gas is transferred from a delivery vehicle to a facility.

The act allows the commissioner to place a disabling device on a facility's dispenser to prevent its use if the system (1) was not tested within the past year or (2) is improperly operating. It gives facility owners or operators an opportunity for a hearing.

The act prohibits facility owners or operators from putting a dispenser back into service until (1) the commissioner determines the violation is remedied or (2) they submit a written affidavit certifying the violation is corrected.

The act also authorizes the DEEP commissioner to enforce the law on sulfur content of home heating oil and off-road diesel fuel by using the methods and standards established in regulations on sulfur content for stationary sources (Conn. Agencies Reg. § 22a-174-19b). The regulations set procedures for, among other

things, (1) seeking to sell or burn fuel with higher sulfur content than allowed by law, (2) determining compliance with the sulfur content standards, and (3) recordkeeping and reporting.

EFFECTIVE DATE: July 1, 2015

STAGE I SYSTEM ENFORCEMENT

Disabling Device

Under the act, the commissioner may place a disabling device on a facility's dispenser if he determines the (1) facility's owner or operator failed to perform the annual pressure decay (integrity) test of the vapor recovery system, as required by law, or (2) system is not operating as required by agency regulations (Conn. Agencies Regs. § 22a-174-30). For the latter, he may only do so after giving the owner or operator 48 hours' notice.

The act prohibits removing, altering, defacing, or tampering with a disabling device, except to correct a violation. The facility must correct all violations that caused a disabling device to be placed on a dispenser, to the commissioner's satisfaction, before the dispenser is put back into service or used to dispense gasoline.

Hearing

The act affords the owner or operator of a facility with a disabling device placed on its dispenser the opportunity for a hearing. It limits the hearing's purpose to determining whether a violation occurred and if it continues. The hearing must be held within two business days after the commissioner places the device on the dispenser.

Return to Service

Under the act, a facility owner or operator may return a system to service if he or she:

1. notifies the commissioner that each violation was fully corrected and the commissioner agrees or
2. provides the commissioner with a written affidavit fully describing the actions taken to correct each violation and certifying that each violation was corrected before returning the system to service.

If the commissioner receives the notice of correction from the owner or operator, he must determine whether a violation was corrected within 24 hours. If he receives the affidavit, he must review the corrective actions on the day the system is returned to service or on the next business day, if it is returned to service on a weekend or legal holiday.

BACKGROUND

Oil and Fuel Sulfur Content

By law, until June 30, 2018, the maximum sulfur content allowed in number two heating oil is 500 parts per million (ppm) (0.05%) by weight. After that date, it declines to 15ppm (0.0015%). The maximum sulfur content allowed in number two off-road diesel fuel is 0.3% by weight. These amounts apply to fuel sold, offered for sale, distributed, or used in Connecticut. The commissioner may suspend these requirements in an emergency (CGS § 16a-21a).

PA 15-190—SB 1062

Environment Committee

AN ACT PROVIDING CONTINUED FUNDING FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S RECREATION TRAILS PROGRAM

SUMMARY: This act expands the purposes of the Connecticut bikeway grant program to allow a wider range of potential projects and grant recipients. A 2007 law authorized general obligation bonds for the Department of Energy and Environmental Protection (DEEP) to establish a bikeway grant program for municipalities. The act removes the restriction that the grants are only for municipalities.

Under the act, eligible projects may include locally supported trails and trail systems, in addition to currently eligible projects (e.g., bikeways and multiuse paths established as part of the State Recreational Trails Plan). The act allows grants to be used for equipment and trail amenities, such as parking lots, toilet buildings, signs, and benches. As under existing law, grants may also be used for planning, design, land acquisition, construction, construction administration, and publications for bikeways, walkways, and greenways.

Under the law, to be eligible for a grant, an applicant must include a 20% local match from municipal, federal, other state, nonprofit, or private funds. If the application is for more than one municipality, the match requirement is 10%. The act also allows in-kind services to count toward the 20% match and provides the 10% match if the application is specifically for trails in more than one municipality. Additionally, the applicant must assume responsibility for maintaining the bikeways or other trails. Under prior law, the municipality was responsible.

The act increases, from up to 2% to up to 5%, the amount of the bond allocation DEEP may use to administer the program. It also requires the Connecticut Greenways Council, instead of an advisory committee

of trail users and advocates, to advise DEEP on the allocation of funds. By law, the 11-member Connecticut Greenways Council advises the state and municipalities on planning and implementing greenways.

PA 15-1, June Special Session, §§ 65 and 238, repeals this act and reenacts substantially similar provisions, effective July 1, 2015.

EFFECTIVE DATE: October 1, 2015

PA 15-201—sHB 5707

Environment Committee

Higher Education and Employment Advancement Committee

AN ACT REQUIRING CERTAIN HIGHER EDUCATION FACILITIES THAT CONDUCT RESEARCH USING CATS OR DOGS TO OFFER SUCH CATS OR DOGS TO ANIMAL RESCUE ORGANIZATIONS PRIOR TO EUTHANIZING ANY SUCH CAT OR DOG

SUMMARY: This act requires public and private higher education institutions, under certain circumstances, to offer any cat or dog on which they conducted research or testing to an animal adoption or rescue organization for adoption. An adoption offer must only occur when the (1) research or testing is complete, (2) destruction of the animal is not required, and (3) animal is no longer needed by the institution.

The act allows the institutions to enter into agreements with adoption or rescue organizations for this purpose. It specifies that these organizations may be either collaborations of individuals or nonprofit organizations whose purposes include selling or placing animals removed from animal shelters, municipal dog pounds, or homes.

EFFECTIVE DATE: October 1, 2015

PA 15-204—sHB 6034

Environment Committee

AN ACT AUTHORIZING BOW AND ARROW HUNTING ON CERTAIN PRIVATE PROPERTY ON SUNDAYS

SUMMARY: This act allows Sunday deer hunting with a bow and arrow on private land in overpopulated deer management zones, as the Department of Energy and Environmental Protection (DEEP) determines. The law prohibits any other type of Sunday hunting, and a violation is a class D misdemeanor (see Table on Penalties).

The Sunday deer hunting (1) must be in accordance with DEEP's wildlife management principles and

practices and (2) cannot take place within 40 yards of a blazed (clearly marked) hiking trail. The hunter must (1) have the private landowner's written permission to hunt there and carry it while hunting and (2) obtain the required DEEP permit to hunt deer with a bow and arrow.

The act eliminates a provision that makes possessing a bow and arrow outdoors on Sunday prima facie evidence of hunting in violation of the Sunday hunting law.

The law requires the DEEP commissioner to adopt regulations establishing standards for deer management and regulated areas for hunting deer with a bow and arrow, among other things. DEEP has identified 13 deer management zones throughout the state, and currently estimates that 10 of them are overpopulated (i.e., with at least 20 deer per square mile).

EFFECTIVE DATE: October 1, 2015

PA 15-245—sSB 348

Environment Committee

Judiciary Committee

AN ACT CONCERNING THE SALE OF FARM PRODUCTS AS "CONNECTICUT-GROWN"

SUMMARY: This act requires anyone selling a claimed Connecticut-grown farm product at a farmers' market to do so in the "immediate proximity" of a sign that (1) identifies it as Connecticut-grown and (2) discloses the name and address of the person or business that grew or produced it. Violators receive a warning for a first violation and a \$100 fine for each subsequent violation.

The act also increases, from \$25 to \$100, the fine for violating the Connecticut-Grown law. Under the law, only products grown or produced in Connecticut may be advertised or sold as Connecticut-grown. Products grown or produced in Connecticut or within a 10-mile radius of the point of sale may be labeled as native, native grown, local, or locally grown. Upon request of the agriculture commissioner or his designee, the person who sold the product must provide written proof of the veracity of these claims within 10 days after the sale.

EFFECTIVE DATE: October 1, 2015

CONNECTICUT-GROWN SIGN

Under the act, the Connecticut-Grown sign at a farmers' market must:

1. be readily visible to consumers;
2. be at least three by five inches in size;
3. have lettering in a size, font, or print clearly and easily legible; and

4. state something substantially similar to “THIS FARM PRODUCT IS CONNECTICUT-GROWN. THIS FARM PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING PERSON OR BUSINESS: (insert name and address).”
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PA 15-179—sHB 6986

Finance, Revenue and Bonding Committee

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO TITLE 12 OF THE GENERAL STATUTES

SUMMARY: This act eliminates the requirement that the revenue services commissioner adopt regulations for administering the sales and use tax exemption for vessels, machinery, and equipment used exclusively for commercial fishing. Prior to the act’s passage, he had not adopted these regulations, which, under prior law, had to require periodic registration and an application procedure that (1) required permit applicants to sign a declaration under penalty of false statement and (2) notify them of the penalty for misusing the permit.

The act also makes several grammatical changes and corrects statutory references in the tobacco products and personal income tax statutes.

EFFECTIVE DATE: Upon passage, except the technical correction to the income tax statute takes effect July 1, 2015.

PA 15-184—sHB 7060

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE FAILURE TO FILE FOR CERTAIN TAX EXEMPTIONS, THE EXTENSION OF CERTAIN TAX CREDITS AND DEVELOPMENT PROGRAMS, EXEMPTIONS FROM CERTAIN FINANCIAL ASSISTANCE AND ADMISSIONS TAX REQUIREMENTS, AND VALIDATIONS

SUMMARY: This act exempts:

1. any athletic event presented by a member of the Atlantic League of Professional Baseball at Bridgeport’s Harbor Yard Ballpark from July 1, 2015 to June 30, 2017 from the admissions tax (§ 11) and
2. state economic development funds awarded before July 1, 2020 to a West Haven mixed-use development project or related infrastructure from the law requiring legislative approval when a project’s total state economic development funding exceeds \$10 million (§ 10).

The act extends the statutory deadlines for:

1. the (a) state to provide funds for Bridgeport’s Steel Point development project and (b) Steel Point Special Taxing District to issue bonds to finance infrastructure improvements in the district (§§ 8 & 9),

2. taxpayers in specified towns to file claims for certain property tax exemptions (§§ 1-6), and
3. municipalities participating in the land value taxation pilot program to submit implementation plans to specified legislative committees (§ 7).

Lastly, the act limits the number of times municipalities may participate in the pilot program and validates the actions Bozrah’s registrar of voters and deputy, assistant, or special assistant registrars of voters took between January 7, 2015 and July 2, 2015. The validation applies only to acts that were otherwise valid except for the fact that these officials were not appointed as the statutes require (CGS § 9-192) (§ 12).

EFFECTIVE DATE: July 1, 2015, except that the Bozrah validation and the deadline extensions for the land value pilot program and Steel Point Special Taxing District take effect upon passage.

§ 10 — WEST HAVEN MIXED-USE PROJECT

By law, the Department of Economic and Community Development (DECD) and Connecticut Innovations, Inc. (CII) must obtain the legislature’s approval for economic development assistance totaling over \$10 million in two years for an economic development project (CGS § 32-462(b)).

The act exempts from this requirement assistance for a West Haven mixed-use project or related infrastructure improvements if the project is located south of the New England Thruway and east of First Avenue and has at least 200,000 square feet of retail and entertainment space. The exemption applies only to assistance awarded before July 1, 2020.

§§ 8 & 9 — STEEL POINT SPECIAL TAXING DISTRICT

The act gives Bridgeport’s Steel Point Special Taxing District five additional years to obtain funds for making public improvements. It extends, from June 30, 2015 to June 30, 2020, the deadline by which DECD and CII may provide up to \$40 million in financial assistance under their existing programs to develop and improve property in Bridgeport.

The act also gives the district more time to issue its own bonds for these purposes before Bridgeport’s city council may vote to merge the district with the city. Prior law allowed the council to do so if the district failed to issue bonds by July 1, 2015. The act extends the deadline for the district to issue bonds to July 1, 2020.

§§ 1-6 — FILING DEADLINES FOR CERTAIN PROPERTY TAX EXEMPTIONS

Pre-2011 Machinery and Equipment Tax Exemption

By law, machinery and equipment newly acquired before 2011 qualify for the statutory five-year property tax exemption (CGS § 12-81 (72)). The exemption applies to machinery and equipment used for manufacturing, biotechnology, and recycling, and taxpayers must annually file for it by November 1.

The act allows taxpayers in Durham, New Haven, and Windsor to claim this exemption for machinery and equipment on specified grand lists even though they missed the mandatory November 1 filing deadline (CGS § 12-81(72)). The Durham and Windsor taxpayers may claim the exemption for such property on the October 1, 2014 grand list, and the New Haven taxpayer may claim it for such property on the October 1, 2013 or October 1, 2014 grand lists.

The act waives this deadline if the taxpayers file for the exemption by July 31, 2015 and pay the statutory late fee. In each case, the local tax assessor must verify the property's eligibility for the exemption and approve it, and the municipality must refund any taxes paid on the machinery and equipment if the application was filed in a timely manner. (Property on the October 1, 2013 grand list is taxed during FY 15; property on the October 1, 2014 grand list is taxed in FY 16.)

Post-2011 Machinery and Equipment Tax Exemption

Beginning with the October 1, 2011 grand list year, the law permanently exempts from the property tax machinery and equipment used for manufacturing, biotechnology, and recycling regardless of when it was acquired (CGS § 12-81 (76)). But taxpayers must still include this property in their annual personal property declarations, which they must submit to their assessors by November 1. The act allows taxpayers in New Haven to claim this exemption for machinery and equipment on the October 1, 2013 grand list even though they missed the mandatory November 1 filing deadline.

The act waives this deadline if the taxpayers file their declarations by July 31, 2015 and pay the statutory late fee. The city's assessor must verify the property's eligibility for the exemption and approve it, and the city must refund any taxes paid on the property if the declaration was filed in a timely manner.

New Commercial Vehicles Tax Exemption

By law, taxpayers eligible for the statutory property tax exemption for specific types of new commercial motor vehicles must also file for this exemption by November 1 (CGS § 12-81 (74)). The act allows

taxpayers in Hartford to claim this exemption for eligible motor vehicles on the 2014 grand list even though they missed the mandatory November 1, 2014 filing deadline.

The act waives the deadline if the taxpayers file for the exemption by July 31, 2015 and pay the statutory late fee. Hartford's assessor must verify the taxpayers' eligibility for the exemption and approve it, and the city must refund any taxes paid on the vehicles if the application was filed in a timely manner.

Nonprofit Property Tax Exemption

By law, property owners eligible for the statutory property tax exemption for certain land and buildings owned by nonprofit organizations must file quadrennially for this exemption by November 1 (CGS § 12-81 (7)). The act allows a nonprofit organization in North Branford to claim the exemption for property on the 2013 grand list even though it missed this statutory filing deadline.

The nonprofit must file for the exemption by July 31, 2015 and pay the statutory late fee. The town's assessor must verify the organization's eligibility and approve the exemption. The town must refund any taxes, interest, and penalties paid on the property.

§ 7 — LAND VALUE TAXATION PILOT PROGRAM

The act gives municipalities more time to comply with one of the procedural requirements for participating in the land value taxation pilot program, under which they can tax land at a higher rate than buildings instead of taxing both at the same rate.

Municipalities that want to impose the higher land tax may do so only by participating in the pilot program. They must apply to the Office of Policy and Management, which may accept up to three municipalities into the program. These municipalities must prepare plans for assessing the tax and submit them to their legislative bodies for approval. They must also submit the approved plans to the Commerce; Planning and Development; and Finance, Revenue and Bonding committees. The act extends, from December 31, 2014 to December 31, 2015, the deadline for submitting the plans to these committees.

The act allows municipalities to participate in the pilot program only once, making those selected for the program ineligible for subsequent selection. By law, a participating municipality may limit the land value tax to areas designated in its plan for implementing this tax. Under the act, it cannot reapply to the program for designating other areas.

BACKGROUND

Related Act

PA 15-244, § 216 provides the same admissions tax exemption as the act.

PA 15-212—sSB 1137

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE CONNECTICUT COMPETITIVENESS COUNCIL

SUMMARY: This act establishes a 10-member council within the legislative branch to advise the executive and legislative branches and businesses about Connecticut's economic performance, including how it compares with that of other jurisdictions. Legislative leaders and the governor must appoint the members by October 1, 2015. The House speaker and the Senate president pro tempore must appoint the council's chairpersons, who must hold the council's first meeting before December 1, 2015. The council must meet at least quarterly.

Beginning by January 31, 2017, the council must submit an annual report to the governor, the Department of Economic and Community Development (DECD) commissioner, and several legislative committees on Connecticut's current economic competitiveness and ways to make the state more competitive.

By law, the DECD commissioner must, every four years, prepare an economic development strategic plan that, among other things, reviews and analyzes the forces affecting the state's economic development and responsible growth (CGS § 32-1o).

EFFECTIVE DATE: July 1, 2015

COMPOSITION

As Table 1 shows, the governor appoints two council members, and legislative leaders appoint eight. The legislative appointees may be legislators.

Table 1: Council Appointments

Appointing Authority	Number of Appointments
Governor	2
House speaker	2
Senate president pro tempore	2
House majority leader	1
Senate majority leader	1
House minority leader	1
Senate minority leader	1

Initial appointments must be made by, and begin on, October 1, 2015. These initial members serve staggered terms:

1. those appointed by the governor and the House majority and minority leaders serve two-year terms and
2. those appointed by the House speaker, Senate president pro tempore, and the Senate majority and minority leaders serve four-year terms.

Subsequently appointed members serve four-year terms. The appointing authority fills any vacancy for the unexpired portion of the vacant member's term.

ADMINISTRATION

The council's chairpersons must hold the first meeting before December 1, 2015. A majority of the members constitutes a quorum for transacting business. The council must meet at least quarterly. The members serve without compensation except for necessary expenses incurred while performing their duties. And the Finance, Revenue and Bonding Committee's administrative staff serves as the council's administrative staff.

POWERS AND DUTIES

The council's powers and duties center on quantifying Connecticut's economic competitiveness and recommending ways to improve it. The council must:

1. encourage and assist businesses to grow in Connecticut;
2. evaluate and promote Connecticut's economic competitiveness vis-à-vis other jurisdictions;
3. beginning by January 31, 2017, prepare an annual comprehensive statistical assessment of the state's economic competitiveness performance (i.e., Connecticut Competitiveness Scorecard);
4. outline the primary challenges facing Connecticut's economic competitiveness and the policies needed to meet those challenges; and
5. advise and assist the executive and legislative branches and the private sector about economic competitiveness.

To perform its duties, the council can obtain available assistance and information from any state entity; accept gifts, donations, or bequests; and take any necessary and appropriate actions.

ANNUAL REPORT

The council must annually submit a report on the competitiveness of the state's industry and economy to the (1) governor; (2) DECD commissioner; and (3) Commerce, Finance, Revenue and Bonding, and Labor committees. The first report is due January 31, 2017.

At a minimum, each annual report must:

1. include the Connecticut Competitiveness Scorecard,
2. outline the primary challenges facing the state's economic competitiveness and the policies needed to meet those challenges, and
3. recommend policy and statutory changes needed to promote economic competitiveness.

BACKGROUND

Related Act

PA 15-5, June Special Session, § 498, establishes a permanent, 13-member Commission on Economic Competitiveness to (1) analyze how the state's tax policies affect business and industry and (2) develop policies that promote economic growth.

PA 15-13—HB 6886
General Law Committee

AN ACT CONCERNING THE APPLICABILITY OF GENETICALLY-ENGINEERED FOOD LABELING REQUIREMENTS TO NONALCOHOLIC MALT BEVERAGES

SUMMARY: This act exempts nonalcoholic malt beverages from the law’s genetically engineered food labeling requirements. These beverages are those with up to .5% alcohol by volume, obtained by alcohol fermentation of an infusion or concoction of water, hops, barley malt, or cereal grains.

By law, foods intended for human consumption that are entirely or partially genetically engineered must be labeled as such after four other states pass similar laws, provided one state borders Connecticut and the total population of these states in the northeast exceeds 20 million. (This threshold has not been reached.)

The law already exempts certain food products, such as (1) alcoholic beverages, (2) food not packaged for retail sale that is intended for immediate consumption, and (3) certain farm products.

EFFECTIVE DATE: July 1, 2015

- obtain a wholesaler permit, and (d) changes certain tasting requirements;
- 6. allows cider manufacturer permittees to offer free samples of cider and apple wine;
- 7. requires certain manufacturer permittees to offer nonalcoholic beverages;
- 8. allows package stores to sell cigars; and
- 9. creates a farmers’ market beer sales permit.

EFFECTIVE DATE: Upon passage; except July 1, 2015 for the bowling alley, farm winery dispensing, and nonalcoholic drink provisions; and October 1, 2015 for the powdered alcohol ban.

BANNING POWDERED ALCOHOL

The act bans anyone from knowingly purchasing, possessing, or selling powdered alcohol. Powdered alcohol means molecularly encapsulated alcohol in powdered form that may be used in such form or reconstituted as an alcoholic beverage.

Anyone who knowingly (1) purchases or possesses powdered alcohol is subject to a \$100 fine for the first offense, \$250 for the second offense, and \$500 for subsequent offenses or (2) sells powdered alcohol is subject to a \$250 fine for the first offense, \$500 for the second offense, and \$1,000 for subsequent offenses.

AGE 16 AND 17 TO WORK IN BUSINESSES WITH ALCOHOLIC PERMITS

The act allows 16- and 17-year-olds to be employed by businesses holding an alcoholic permit. Prior law generally required employees in such establishments to be over age 18. By law, businesses with a grocery store beer permit may employ those age 15 or older. The act also prohibits employees under age 18, including those employed by a business with a grocery store beer permit, from serving or selling alcoholic liquor.

ALCOHOLIC MANUFACTURER PERMIT

Retail Sales for Off-premises Consumption

The act allows manufacturer permittees that produce less than 25,000 gallons of alcoholic liquor in a calendar year to sell, at retail, their alcoholic liquor on their premises for off-premises consumption.

The alcohol must be in sealed bottles or other containers. Permittees must not sell to any individual more than (1) 1.5 liters of alcoholic liquor per day or (2) five gallons in a two-month period.

Retail sales are allowed only during the allowable hours for alcohol sales for off-premises consumption. (PA 15-244, § 82, effective July 1, 2015, extended the hours for off-premises alcohol sales by one hour: Sundays from 10:00 a.m. to 6:00 p.m., rather than 5:00 p.m., and any other day from 8:00 a.m. to 10:00 p.m.,

PA 15-24—sSB 386
General Law Committee

AN ACT CONCERNING ALCOHOLIC LIQUOR

SUMMARY: This act makes several unrelated changes in the Liquor Control Act. It:

- 1. bans powdered alcohol;
- 2. extends the hours during which a bowling establishment permittee may sell alcohol outside of its bar area by allowing alcohol sales in the bowling alley area after 11:00 a.m., rather than after 2:00 p.m.;
- 3. generally allows anyone at least age 16, rather than age 18, to be employed by businesses holding an alcoholic permit;
- 4. (a) limits licensed farm wineries that offer tastings of free wine or brandy samples to dispensing such samples out of bottles or containers that hold up to two gallons and (b) allows wineries to sell on their premises brandy manufactured from Connecticut-harvested fruit and distilled in-state but off the premises;
- 5. (a) allows manufacturer permittees who produce less than 25,000 gallons to sell alcoholic liquor at retail, (b) limits wholesale distribution to manufacturer permittees who sell less than 10,000 gallons a year, (c) eliminates a manufacturer permittee’s ability to

rather than 9:00 p.m.) By law, off-premises sale and dispensing of alcohol are prohibited on Thanksgiving Day, New Year's Day, and Christmas Day.

Wholesale Distribution

Under prior law, manufacturer permittees could distribute their own product at wholesale to retailers. The act limits this ability to manufacturers, either alone or in combination with any parent or subsidiary business or related or affiliated party, that sell 10,000 gallons or less in a calendar year.

The act eliminates manufacturer permittees' ability to apply for and obtain a wholesaler permit, which allows them to distribute other alcohol permittees' products.

Tastings

Prior law allowed manufacturer permittees to offer free tastings of up to 0.5 ounces per person. The act instead limits tastings to two ounces per person per day.

CIDER TASTING

The act allows manufacturer permittees for cider to offer free on-premises samples of cider and apple wine manufactured on-premises. The cider manufacturers may limit these tastings to visitors who have taken a tour of the premises.

The tastings must not be more than two ounces per patron and may only be conducted on the premises between (1) 10:00 a.m. and 8:00 p.m. Monday through Saturday and (2) 11:00 a.m. and 8:00 p.m. on Sunday. Permittees must not offer or allow tastings by any minor or intoxicated person. By law, any permittee that sells or delivers alcoholic liquor to a minor or drunkard may be subject to a maximum civil fine of \$1,000 and a criminal penalty of up to a \$1,000 fine, up to one year imprisonment, or both (CGS §§ 30-86 & 30-113).

NONALCOHOLIC DRINKS

The act requires manufacturer permittees for beer, cider, apple brandy and eau-de-vie, farm wineries, brewpubs, and beer and brew pubs, or their agents, to offer either (1) free potable water to anyone who requests it or (2) nonalcoholic beverages for sale. They are only required to provide these nonalcoholic beverages during hours alcoholic liquor may be sold for on-premises consumption. By law, alcohol sales for on-premises consumption are allowed between 9:00 a.m. and 1:00 a.m. the next morning on Monday through Thursday, 9:00 a.m. and 2:00 a.m. the next morning for Friday and Saturday, and 11:00 a.m. and 1:00 a.m. the next morning on Sunday (CGS § 30-91(a)).

The potable water must meet all federal and state requirements for drinking water purity and be served in a container that holds at least six ounces. The Department of Consumer Protection (DCP) may suspend, revoke, or refuse to grant or renew an alcoholic permit if DCP has reasonable cause to believe the permittee violated any portion of the act's nonalcoholic drink requirements.

FARMERS' MARKET BEER SALES PERMIT

The act creates a farmers' market beer sales permit that allows manufacturer permittees for beer, brewpubs, and beer and brewpubs, to sell beer they manufacture at up to three farmers' market locations a year for an unlimited number of appearances. The act requires the DCP commissioner to issue such manufacturer permittees a farmers' market beer sales permit. The permit is valid for one year and requires a \$250 annual fee, with a \$100 nonrefundable filing fee.

In order to sell at a farmers' market, the permittee must (1) have an invitation from the farmers' market; (2) sell only sealed bottles of beer for off-premises consumption; and (3) be present, or have an authorized representative present, anytime beer is sold. The permittee may only sell up to five liters of beer per day to any one person.

Any town or municipality may, by ordinance or zoning regulation, prohibit a farmers' market beer sales permittee from selling beer at a farmers' market held in such town or municipality.

(PA 15-30 allows beer, brewpub, and beer and brewpub manufacturer permittees to also hold a farmers' market beer sales permit.)

PA 15-30—SB 934

General Law Committee

AN ACT ALLOWING HOLDERS OF CERTAIN BEER MANUFACTURING PERMITS TO ALSO HOLD A FARMERS' MARKET BEER SALES PERMIT

SUMMARY: This act allows beer, brewpub, and beer and brewpub manufacturer permittees to also hold a farmers' market beer sales permit (created in PA 15-24, § 10). The law generally prohibits holders of one class of alcohol permit from also having another class of permit, but allows many specific exceptions.

EFFECTIVE DATE: Upon passage

PA 15-60—sSB 975
General Law Committee
Judiciary Committee

AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES

SUMMARY: This act increases, from \$5,000 to \$10,000, the maximum restitution amount the Department of Consumer Protection (DCP) commissioner may order a respondent (the subject of a hearing) to pay a consumer under the Connecticut Unfair Trade Practices Act (CUTPA, see BACKGROUND).

The act also makes various unrelated changes in the consumer protection statutes by:

1. allowing consumers who apply to the Home Improvement and New Home Construction Guaranty funds to receive payment if they receive court orders and decrees, not just court judgments, as under prior law;
2. removing the requirement that consumers certify copies of court judgments when applying to DCP for New Home Construction Guaranty Fund payments;
3. amending the bazaar and raffle permitting process by (a) eliminating the requirement that applicants submit duplicate applications to DCP and (b) changing the permit payment process;
4. allowing golf ball-drop raffles to be conducted from a payload, bucket truck, crane or similar vehicle, or platform, rather than just from a helicopter, hot air balloon, or other hovering aircraft; and
5. making technical changes concerning fire sprinkler layout licenses and real estate appraisers, thereby conforming the law to current practice by respectively removing (a) certain licenses that are not exempt from certification requirements from the list of exemptions and (b) language that does not comply with federal guidelines.

The act also makes other technical changes.

EFFECTIVE DATE: October 1, 2015, and the guaranty fund provisions are applicable to orders and decrees entered on or after that date.

BAZAAR AND RAFFLE PERMIT PAYMENT

The act requires applicants to pay their bazaar and raffle permit fees separately to DCP and the municipality where the event is held. It also specifies that the state's permit fee is due when the application is made, and the municipality's portion is due when the

permit is issued. Under prior law, the applicant paid the entire fee to DCP, which then remitted the applicable portion to the municipality.

By law and unchanged by the act, both DCP and the municipality retain the same fee amounts and application review powers.

BACKGROUND

CUTPA

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000 (effective October 1, 2015, this act increases the amount to \$10,000), enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys' fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

Home Improvement and New Home Construction Guaranty Funds

The Home Improvement and New Home Construction Guaranty funds are separate funds that can reimburse consumers unable to collect for work performed by either a registered (1) home improvement contractor or salesman or (2) new home builder.

To collect from either fund, a consumer must have been awarded a court judgment (or order and decree, under this act) which the contractor lacks the funds to satisfy. Consumers must apply to DCP to receive payments.

PA 15-76—HB 5027
General Law Committee
Public Health Committee

AN ACT CONCERNING COTTAGE FOOD PRODUCTION

SUMMARY:

This act allows the preparation of food in private residences for sale if it is done according to regulations that the act requires the public health (DPH) commissioner to adopt, after consulting with the consumer protection (DCP) commissioner. (PA 15-242, § 57, instead requires the DCP commissioner to adopt the regulations after consulting with the DPH

commissioner.)

The act also exempts home bakeries from the law's bakery licensing requirement. Under prior law, home bakeries had to be licensed by DCP. Among other requirements, bakeries must pass a DCP inspection to be licensed.

Existing law allows the sale of home-made food in certain circumstances, including (1) specified products prepared at residential farms (jams, jellies, preserves, acidified food products, and maple syrup) and (2) foods prepared for bake sales or similar events (CGS §§ 21a-24a, -24b, and -115).

EFFECTIVE DATE: October 1, 2015

PA 15-104—SB 158

General Law Committee

AN ACT CONCERNING LANDSCAPE ARCHITECT LICENSES

SUMMARY: This act (1) requires individuals to have a bachelor's degree to take the examination required to obtain a Connecticut landscape architect license and (2) reduces, for certain applicants, the amount of practical experience needed to qualify to take the examination.

By law, a person is eligible to take the examination if he or she (1) has a degree in landscape architecture from an accredited college or school and (2) has at least two years' practical experience directly supervised by a licensed landscape architect.

Prior law also allowed an individual without a landscape architecture degree to take the examination if he or she had eight years' practical experience in landscape architectural work of a grade and character satisfactory to the State Board of Landscape Architects. The act instead requires these applicants to have at least:

1. a bachelor's degree in a discipline related to landscape architecture or in landscape architecture from an unaccredited college, if the board determines, with the consumer protection commissioner's consent, that the curriculum is consistent with an accredited program and
2. four years' practical experience directly supervised by a licensed landscape architect.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 15-116—sHB 5771

General Law Committee

AN ACT AUTHORIZING PHARMACISTS TO DISPENSE DRUGS IN NINETY-DAY QUANTITIES

SUMMARY: This act allows a pharmacist to refill a prescription for a drug, other than a controlled drug, in an amount greater than the initial quantity prescribed by the practitioner if the:

1. refill is made after the initial prescription is dispensed and does not exceed (a) a 90-day supply and (b) the total quantity authorized by the practitioner;
2. practitioner does not indicate that the initial or refill quantity cannot be changed;
3. pharmacist informs the practitioner of the refill at the earliest reasonable time, but no later than 48 hours after the refill; and
4. patient's health insurance policy or health benefit plan, if any, will cover the refill quantity at no additional coinsurance, deductible, or other out-of-pocket expense from the patient.

By law, controlled drugs are generally those (1) with a depressant, stimulant, or hallucinogenic effect upon the higher functions of the central nervous system and (2) that tend to promote abuse or dependence (CGS § 21a-240).

EFFECTIVE DATE: July 1, 2015

PA 15-136—HB 6451

General Law Committee

AN ACT PROHIBITING MANDATORY REGISTRATION FOR CERTAIN CONSUMER WARRANTY COVERAGE

SUMMARY: This act prohibits manufacturers, distributors, or retailers from conditioning the initial term of an express warranty for consumer goods on the consumer registering the goods. The act does not provide any penalties for violations.

Under the act, an "express warranty" is a written statement arising from a sale of consumer goods to a consumer in which the manufacturer, distributor, or retailer agrees to preserve, maintain, or provide compensation for a failure in the utility or performance of the goods. "Consumer goods" are goods used or bought for use primarily for personal, family, or household purposes.

EFFECTIVE DATE: July 1, 2015

PA 15-202—sHB 5780
General Law Committee

AN ACT LEGALIZING INDUSTRIAL HEMP

SUMMARY: This act legalizes industrial hemp by removing it from state law’s definitions of “marijuana” and “cannabis-type substances,” thereby removing its classification as a controlled substance. It thus allows industrial hemp to be grown, used, and sold under state law.

The act uses the same definition of industrial hemp as a recent federal law. Under that law, industrial hemp means the plant *Cannabis sativa L.* and any part of the plant whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis. (1% THC is generally considered the threshold for inducing intoxication or psychotropic effect.)

Under state law, except for authorized medical purposes, anyone manufacturing or selling marijuana may be subject to felony penalties. Anyone possessing marijuana for non-medical purposes is subject to penalties ranging from a civil fine to a felony, depending on the amount. (PA 15-2, June Special Session, effective October 1, 2015, generally lowers the maximum penalty for possession to a misdemeanor.)
EFFECTIVE DATE: July 1, 2015

BACKGROUND

Federal Law

The federal Controlled Substances Act defines marijuana to include all parts of the *Cannabis sativa L.* plant regardless of THC level (21 USC § 802(16)).

Under the 2014 Agricultural Act, a higher education institution or state agriculture department may grow or cultivate industrial hemp under a pilot program or other research program that meets certain conditions, if allowed under state law (7 USC § 5940).

PA 15-219—sSB 28
General Law Committee
Public Health Committee

AN ACT CONCERNING MANUFACTURER NAMES, MEDWATCH REPORTING INFORMATION AND BRAND NAMES ON GENERIC DRUG CONTAINERS

SUMMARY: This act expands the information pharmacists must provide when dispensing generic prescription drugs.

For drugs sold only by generic name, the act requires pharmacists to include the (1) manufacturer’s name and (2) website and toll-free telephone number of MedWatch, the U.S. Food and Drug Administration’s drug safety and reporting program. This information may be placed on the prescription container’s label, packaging, or receipt.

If a pharmacist substitutes a generic name drug for a brand name drug, the act requires the pharmacist to include on the prescription container’s label the name of the (1) generic drug in the container and (2) brand name drug prescribed. (Pharmacists are generally allowed to substitute a generic drug for a prescribed drug if it is of the same strength, quantity, dose, and dosage form and the pharmacist believes it is therapeutically equivalent (CGS § 20-619).)

The law already requires pharmacists to include, on all prescription drug labels, (1) the quantity of the prescribed drug, (2) an expiration date, and (3) any other information required by law.
EFFECTIVE DATE: January 1, 2016

PA 15-230—sSB 99
General Law Committee
Judiciary Committee

AN ACT CONCERNING NEW CAR DEALERS AND INFORMATION REGARDING THE MAGNUSON-MOSS WARRANTY ACT, WRITTEN NOTICE FOR HOMEMAKER OR COMPANION SERVICE REGISTRIES AND TELEPHONE SOLICITORS WHO MAKE UNSOLICITED AND INTENTIONALLY MISLEADING TELEPHONE CALLS TO CONSUMERS

SUMMARY: This act makes three unrelated changes. It requires:

1. the Department of Consumer Protection (DCP) commissioner to compensate anyone who provides material information that results in DCP investigating a telephone solicitor for certain illegal acts that intentionally try to mislead a consumer,
2. new car dealers to provide a written statement notifying a purchaser that federal law prohibits voiding a warranty simply because aftermarket or recycled parts were used on the vehicle or someone other than the dealer serviced the vehicle, and
3. a shorter timeframe for homemaker-companion registries to provide a notice to consumers.

EFFECTIVE DATE: July 1, 2015, except the homemaker-companion registry notice provision takes effect October 1, 2015.

INTENTIONALLY MISLEADING TELEPHONE CALLS

The act requires the DCP commissioner to compensate anyone who provides material information to DCP that results in the investigation of a telephone solicitor for intentionally (1) using a blocking device or service to circumvent a consumer's caller identification device or (2) transmitting inaccurate or misleading caller identification information.

The amount must be paid out of proceeds the state collects from enforcing existing law (presumably for the particular enforcement action). The commissioner determines a reasonable payment, which must be between 15% and 30% of the total amount recovered. By law, a violation is (1) deemed an unfair or deceptive trade practice (see BACKGROUND) and (2) subject to an additional fine of up to \$20,000 (CGS § 42-288a(g) & (k)).

NEW CAR DEALER NOTICE ON WARRANTY

The act requires new car dealers to deliver to the purchaser of a new vehicle, at the time of sale, the following written statement in at least 10-point boldface type:

The Magnuson-Moss Warranty Act, 15 USC 2301 et seq., makes it illegal for motor vehicle manufacturers or dealers to void a motor vehicle warranty or deny coverage under the motor vehicle warranty simply because an aftermarket or recycled part was installed or used on the vehicle or simply because someone other than the dealer performed service on the vehicle. It is illegal for a manufacturer or dealer to void your warranty or deny coverage under the warranty simply because you used an aftermarket or recycled part. If it turns out that an aftermarket or recycled part was itself defective or wasn't installed correctly and it causes damage to another part that is covered under the warranty, the manufacturer or dealer has the right to deny coverage for that part and charge you for any repairs. The Federal Trade Commission requires the manufacturer or dealer to show that the aftermarket or recycled part caused the need for repairs before denying warranty coverage.

Under the act, an "aftermarket part" is one made by a company other than the vehicle manufacturer or original equipment manufacturer, and a "recycled part" is a part made for and installed in a new vehicle by the manufacturer or the original equipment manufacturer and later removed from the vehicle and made available for resale or reuse.

The act does not specify any penalties for failing to provide the notice.

HOMEMAKER-COMPANION SERVICES REGISTRY

The act reduces, from seven calendar days to four, the timeframe in which a homemaker-companion service registry must provide a written notice for the consumer to sign. By law, the notice must (1) be provided after the registry supplies, refers, or places an individual with the consumer and (2) state the registry's legal liabilities to the companion or homemaker.

By law, such a registry is a person or entity engaged in the business of supplying or referring an individual to, or placing an individual with, a consumer to provide homemaker or companion services when the homemaker or companion is either (1) directly compensated, in whole or in part, by the consumer or (2) treated, referred to, or considered by the supplying person or entity as an independent contractor.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice; investigate complaints; issue cease and desist orders; order restitution in cases involving less than \$5,000 (effective October 1, 2015, PA 15-60 increases this amount to \$10,000); enter into consent agreements; ask the attorney general to seek injunctive relief; and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys' fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

PA 15-1—SB 384

Government Administration and Elections Committee

AN ACT PERMITTING THE WAIVER OF STATE AGENCY ELECTRONIC FILING REQUIREMENTS AND CONCERNING SPECIAL ELECTIONS FOR MAYORAL VACANCIES

SUMMARY: This act creates an exception to the special election calendar in a municipality with a population of more than 60,000 and in which a mayoral vacancy occurred between April 15 and April 18, 2015. It (1) requires such a municipality to hold a special election to fill the vacancy within 45 days after the vacancy occurs and (2) establishes procedures for nominating candidates.

The act also authorizes executive branch state agencies to waive certain electronic correspondence and filing requirements for their clients and other members of the public with whom they conduct business. The law requires executive branch state agencies to (1) use e-mail to notify and correspond with clients whenever possible and when not in conflict with state law and (2) explore the feasibility of converting all applications and forms used by the public to electronic format.

Under the act, an executive branch state agency that uses e-mail to notify and correspond with clients may waive the requirement, for good cause, upon a client's request. Similarly, an agency that requires electronic applications or forms may waive the requirement, for good cause, upon request by an applicant, individual, or business.

EFFECTIVE DATE: Upon passage for the special election calendar provisions; October 1, 2015 for the electronic filing provisions.

CERTAIN MUNICIPAL OFFICE VACANCIES

The law generally requires that municipal office vacancies be filled under a special election calendar that provides for (1) notice to the party chairpersons at least three weeks before the time for party endorsements; (2) party endorsements, due 49 days before the primary; and (3) a primary, held 56 days before the election (CGS § 9-164).

For a municipality with a population of more than 60,000 people where a vacancy in the office of mayor occurred between April 15 and April 18, 2015, the act instead requires that the election occur within 45 days after the date of the vacancy. The legislative body must determine the election date, and notice of that date must be filed with the town clerk.

Procedures

Under the act, as soon as the vacancy occurs, the town clerk must file a notice of the office to be filled

with the secretary of the state and the chairperson of each major and minor party town committee in the municipality. Parties may not hold primaries; they must nominate candidates and certify the nominations to the town clerk in accordance with their party rules by the 36th day before the election. Similarly, the act allows petitioning candidates to submit petitions to the town clerk by the 36th day before the election. The petitions must be filed with the secretary of the state no more than two days after the filing with the town clerk. The town clerk must provide notice of the special election under the procedures for regular municipal elections (e.g., publish notice in a newspaper between five and 15 days before the election).

BACKGROUND

Related Act

PA 15-61 (also effective October 1, 2015) eliminates agencies' discretion to waive the use of electronic notice and correspondence requirements. Instead, it requires agencies to exempt a person from these requirements if the person requests an exemption and provides written notice to the agency of a hardship. These hardships may include (1) a lack of access to a device capable of electronic filing or (2) incompatibility of a specific filing with the electronic filing system.

PA 15-15—sSB 850

Government Administration and Elections Committee

AN ACT AMENDING THE CODE OF ETHICS FOR LOBBYISTS TO REDEFINE "EXPENDITURE" AND RAISE THE THRESHOLD FOR LOBBYIST REGISTRATION

SUMMARY: This act increases, from \$2,000 to \$3,000, the income and expenditure thresholds requiring a person to register as a lobbyist with the Office of State Ethics (OSE). It requires a person to register with OSE if he or she, in a calendar year, receives, spends, or agrees to receive or spend at least \$3,000, rather than \$2,000, to lobby. Similarly, the act requires registered lobbyists that are (1) associations, groups, or organizations and (2) formed primarily for lobbying to include with their biennial registration the names and addresses of everyone who contributes at least \$3,000, rather than \$2,000, to their lobbying activities in any calendar year.

The act exempts from the definition of a lobbying "expenditure" the costs to an entity for transporting its members, shareholders, or employees to or from a specific site, as long as these individuals received no other compensation or reimbursement for lobbying. It

also specifies that existing law's expenditure exemption for an entity's publication of a newsletter or other release to its members, shareholders, or employees (1) must be intended primarily for these individuals (prior law referred only to communications made to these individuals) and (2) applies whether the communication is in paper or electronic form or made orally during a regularly noticed meeting.

The act also makes technical changes.

EFFECTIVE DATE: January 1, 2016

PA 15-18—HB 6671

Government Administration and Elections Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR REVISIONS TO THE GOVERNMENT ADMINISTRATION STATUTES

SUMMARY: This act makes minor and technical changes in government administration statutes. Specifically, it amends the definition of "quasi-public agency" to incorporate changes made in PA 14-212 and PA 14-217 that were not codified because of conflicting effective dates. It clarifies that both initial and successor members of the Connecticut Commuter Rail Council serve four-year terms and undergo confirmation by the General Assembly. Finally, the act corrects internal references and removes a redundant reporting provision.

EFFECTIVE DATE: Upon passage, except for the sections reconciling the 2014 public acts, which are effective October 1, 2015.

PA 15-43—SB 849

Government Administration and Elections Committee

AN ACT CONCERNING THE DISCLOSURE OF LEASES OR CONTRACTS WITH QUASI-PUBLIC AGENCIES AND THE NAMES OF SECURITIES IN STATEMENTS OF FINANCIAL INTEREST

SUMMARY: This act requires people who must file a statement of financial interests (SFI) with the Office of State Ethics to include in the SFI leases or contracts that they, their spouses, dependent children residing with the filer, or an associated business hold or have entered into with a quasi-public agency. Under prior law, this requirement applied to leases or contracts with state agencies only. By law, an associated business is any business entity in which a public official, state employee, or immediate family member is a director, officer, owner, limited or general partner, trust

beneficiary, or a stockholder with 5% or more of the total outstanding stock in any class. Associated businesses do not include nonprofit entities for which the person is an unpaid officer or director (CGS § 1-79(2)).

The act also modifies the SFI disclosure requirements for certain securities. Under prior law, SFI filers had to disclose the names of all securities with a fair market value exceeding \$5,000 that they, their spouses, or dependent children owned, or that were held in the name of a corporation, partnership, or trust for the benefit of these individuals. The act eliminates this requirement for securities that are held within (1) a retirement savings plan under Section 401 of the federal Internal Revenue Code (IRC), (2) a payroll deduction individual retirement account plan under IRC Sections 408 or 408A, (3) a governmental deferred compensation plan under IRC Section 457, or (4) an education savings plan under IRC Section 529. It instead requires the filer to disclose only the name of the applicable plan holding these securities.

By law, a person must file an SFI if he or she is, among other things, a (1) statewide elected officer, legislator, department head or deputy department head, member or director of a quasi-public agency, member of the Investment Advisory Council, or state marshal; (2) member of the Executive Department designated by the governor; or (3) quasi-public agency employee designated by the governor. The SFIs must be filed annually by May 1.

EFFECTIVE DATE: January 1, 2016

PA 15-61—sSB 1082

Government Administration and Elections Committee

AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS AND REQUIRING THE WAIVER OF STATE AGENCY ELECTRONIC FILING AND COMMUNICATION REQUIREMENTS

SUMMARY: This act allows state agencies to use email delivery to send certain recipients copies of (1) final decisions made in a Uniform Administrative Procedure Act (UAPA) contested case, (2) rulings and actions in response to petitions for declaratory rulings, and (3) declaratory rulings. It does so by defining "personal delivery" under the UAPA as delivery directly to the intended recipient or his or her designated representative, including e-mail delivery to an address the recipient identifies as an acceptable means of communication. By law, copies of final decisions in contested cases, rulings and actions in response to

petitions for declaratory rulings, and declaratory rulings must be either mailed or “personally delivered.”

The act also allows an agency to suspend any requirements in its regulations governing its rules of practice for paper filing or document service for formal and informal agency proceedings. It instead allows the agency to establish an electronic filing system for the filings and service. Before establishing the system, the agency must give 30 days’ notice on its website and in the *Connecticut Law Journal*, including instructions for using the system.

The act requires agencies to exempt a person from electronic filing if the person requests an exemption and provides written notice to the agency of a hardship. Such hardships include (1) a lack of access to a device capable of electronic filing or (2) incompatibility of a specific filing with the electronic filing system. The act similarly requires agencies to exempt a person, under the circumstances stated above, from any requirements to electronically receive notification from or correspond with the agency.

The act eliminates provisions established in PA 15-1 (which is also effective October 1, 2015) that make waiving the use of electronic correspondence and filing discretionary for agencies. Under PA 15-1, an executive branch state agency that uses e-mail to notify and correspond with clients may, for good cause, waive the requirement upon a client’s request. Similarly, an agency that requires electronic applications or forms may, for good cause, waive the requirement upon request by an applicant, individual, or business.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

PA 15-73—SB 877

Government Administration and Elections Committee

**AN ACT CONCERNING REVISIONS TO
STATUTES CONCERNING THE DEPARTMENT
OF ADMINISTRATIVE SERVICES**

SUMMARY: This act makes several unrelated changes affecting the Department of Administrative Services (DAS). Among other things, it:

1. specifies that a sale of surplus state property is deemed approved by the legislature’s Finance and Government Administration and Elections (GAE) committees if they both waive their right to hold a meeting concerning the sale;
2. (a) expands the department’s Technical Services Revolving Fund’s permitted uses and (b) modifies the fund’s review requirements; and

3. eliminates an obsolete requirement that DAS set aside space for child care facilities in certain state buildings.

The act allows the DAS commissioner to extend the expiration date of a business’s certification for the small and minority-owned business set-aside program. By law, a certification is valid for up to two years; the act allows the commissioner to extend this period by up to six months if she determines that it is warranted (§ 1) (see BACKGROUND).

The act also eliminates a requirement that DAS conduct annual training sessions for members of public agencies on access to and disclosure of computer-stored public records under the Freedom of Information Act (FOIA). By law, the Freedom of Information Commission must conduct annual training sessions for members of public agencies on access to and disclosure of public records under FOIA generally (§ 4).

Lastly, the act eliminates the defunct Capital Equipment Data Processing Revolving Fund. Prior law required that the fund be used for purchasing data processing equipment and related items necessary to maintain or improve the state’s data processing functions (§ 6).

EFFECTIVE DATE: July 1, 2015

§ 2 — SALES OF SURPLUS STATE PROPERTY

By law, the DAS commissioner must submit proposed sales of surplus state property to the legislature’s Finance and GAE committees. The committees have 30 days after receiving an agreement to approve or disapprove it or notify the commissioner that they waive their right to hold a meeting. The agreement is deemed approved if the committees do not act within this time period. The act specifies that the agreement is also deemed approved if the committees notify the commissioner that they waive their right to hold a meeting within that time period.

§ 3 — TECHNICAL SERVICES REVOLVING FUND

The act allows DAS’s Technical Services Revolving Fund to also be used for purchasing, installing, and using telecommunication systems. Under prior law, the fund’s use was limited to purchasing, installing, and using information systems. By law, telecommunication systems are telephone equipment and transmission facilities, either alone or in combination with information systems, used to electronically distribute all forms of information, including voice, data, and images.

Under prior law, the DAS commissioner and Office of Policy and Management (OPM) secretary had to develop appropriate review procedures and accountability standards for the fund and measures for

determining its performance. The act instead requires the (1) commissioner and secretary to regularly review the fund using generally accepted accounting principles and (2) Auditors of Public Accounts to conduct an annual comprehensive financial review of the fund.

§§ 5 & 6 — CHILD CARE FACILITIES IN STATE BUILDINGS

The act eliminates an obsolete requirement that DAS set aside space for child care facilities in certain state buildings. Under prior law, DAS had to set aside the space if there was an unmet need for child care for at least 30 children of a building's employees and other potential participants, as determined by the Office of Early Childhood with DAS's assistance. The requirement applied to state buildings that accommodate 300 or more state employees and that the state (1) constructs, acquires, or receives as a gift or (2) alters, repairs, or makes additions to, if the alterations, repairs, or additions affect 25% or more of the building's square footage.

BACKGROUND

Set-Aside Program

By law, state agencies and political subdivisions (other than municipalities, under prior law) must set aside 25% of the total value of all contracts they let for construction, goods, and services each year for exclusive bidding by certified small contractors (i.e. small business enterprises (SBE)). The agencies must further reserve 25% of the set-aside value (6.25% of the total) for exclusive bidding by certified minority business enterprises (MBE). (PA 15-5, June Special Session, subjects certain public works contracts awarded by municipalities to these requirements.)

An SBE is a business that (1) maintains its principal place of business in Connecticut, (2) had gross revenues of \$15 million or less during its most recent fiscal year, and (3) is independent. MBEs are small businesses owned by women, minorities, or people with disabilities who have managerial and technical competence and experience directly related to their principal business activities (CGS § 4a-60g).

PA 15-77—HB 5174

Government Administration and Elections Committee

AN ACT ESTABLISHING A CHILDREN'S STATE FLOWER

SUMMARY: This act designates Michaela Petit's Four-O'Clocks, *Mirabilis jalapa*, as the children's state flower.

EFFECTIVE DATE: Upon passage

PA 15-87—HB 6100

Government Administration and Elections Committee

AN ACT DESIGNATING SPINAL MUSCULAR ATROPHY WITH RESPIRATORY DISTRESS AWARENESS DAY AND DWARFISM AWARENESS MONTH

SUMMARY: This act requires the governor to proclaim February 10 of each year as Spinal Muscular Atrophy with Respiratory Distress (SMARD) Awareness Day to heighten public awareness of SMARD's symptoms and available treatments. It requires that suitable exercises be held in the State Capitol and elsewhere as the governor designates.

The act also requires the governor to proclaim October of each year as Dwarfism Awareness Month to heighten public awareness of dwarfism's symptoms and available treatments. It authorizes suitable exercises to be held in the State Capitol and elsewhere as the governor designates.

EFFECTIVE DATE: Upon passage

BACKGROUND

SMARD

SMARD is a rare motor neuron disorder referred to as an "orphan disease" because there are so few reported cases. It undermines voluntary muscle function and usually manifests itself during infancy. One of its main symptoms is respiratory failure due to diaphragmatic paralysis.

PA 15-119—HB 6694

*Government Administration and Elections Committee
Housing Committee*

**AN ACT CONCERNING FREEDOM OF
ASSOCIATION IN PUBLIC HOUSING**

SUMMARY: This act prohibits municipalities and entities operating state- or federally-funded public housing projects from barring tenants from using common facilities or community rooms for political activities. Under the act, “political activity” includes:

1. an event organized for a political party or candidate for office;
2. initiating, circulating, or signing petitions;
3. community political meetings;
4. campaigning for or against proposed referenda questions, constitutional amendments, legislation, or municipal ordinances; or
5. expressing opinions about candidates and political or social issues.

By law, entities operating state- or federally-funded public housing projects are housing authorities, nonprofit corporations, and municipal developers.

EFFECTIVE DATE: July 1, 2015

PA 15-123—sHB 6747

Government Administration and Elections Committee

**AN ACT REVISING CERTAIN STATUTES
CONCERNING THE STATE COMPTROLLER**

SUMMARY: This act makes unrelated changes affecting the (1) statewide accounting and personnel system (CORE-CT) and (2) comptroller's duties. Concerning CORE-CT, it requires the comptroller to report to the governor and General Assembly on the system's status biennially, rather than annually, starting by October 1, 2015. It also eliminates the CORE-CT policy board, which was responsible for (1) maintaining the constitutional and statutory independence of the legislative, executive, and judicial branches with respect to system implementation and operation and (2) establishing policies and procedures for data access and security.

The act transfers, from the comptroller to the (1) Department of Administrative Services, responsibility for receiving and depositing in the General Fund insurance company refunds, dividends, and other payments to the state in connection with state insurance and (2) State Insurance and Risk Management Board, responsibility for obtaining fire and casualty insurance coverage for the Connecticut building at the Eastern States Exposition (Big E).

The act clarifies that the comptroller is a nonvoting, ex-officio member of the Connecticut State Employees Retirement Commission and authorizes him to have a designee. It also requires the comptroller to report annually by April 30, rather than March 30, on the state employee flexible spending account (FSA) programs.

Finally, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on the Big E and FSA program reporting are effective July 1, 2015.

PA 15-142—sSB 949

*Government Administration and Elections Committee
Insurance and Real Estate Committee
Judiciary Committee*

**AN ACT IMPROVING DATA SECURITY AND
AGENCY EFFECTIVENESS**

SUMMARY: This act establishes protocols to protect confidential information (CI) that an entity obtains from a state contracting agency under a written agreement to provide goods or services to the state. Under the act, if an agreement requires a state contracting agency to share CI with a contractor, the contractor must, at its own expense, take certain steps to prevent data breaches. Among other things, contractors must:

1. implement and maintain a comprehensive data security program to protect CI;
2. limit CI access to authorized employees and agents for authorized purposes under confidential agreements;
3. use certain technology, such as firewalls and intrusion detection software, to maintain all data obtained from state contracting agencies; and
4. report actual or suspected data breaches to the attorney general and state contracting agency.

The act also amends existing law's security breach notification requirements applicable to any person who conducts business in Connecticut. It generally requires the person to (1) notify impacted state residents of a breach within 90 days after discovering it and (2) offer at least one year of free identity theft prevention and mitigation services.

The act requires each health insurer, HMO, and related entity, by October 1, 2017, to implement and maintain a comprehensive information security program to safeguard the personal information these entities compile or maintain on insureds and enrollees. It specifies program requirements, requires that the program be updated at least annually, and requires the entities to offer at least one year of free identity theft prevention and mitigation services if a breach occurs.

The act requires the Office of Policy and Management (OPM) secretary to (1) develop a program to access, link, analyze, and share data maintained by executive agencies and (2) respond to queries from state agencies and private requestors. It requires the OPM secretary to:

1. establish policies and procedures to review and respond to queries while protecting confidential data,
2. develop and implement a secure information technology solution to link data across executive agencies, and
3. execute an agreement with each agency on data-sharing.

The act also prohibits anyone, from July 1, 2016 to July 1, 2017, from offering a new smartphone model for retail sale in Connecticut unless the smartphone has certain features to prevent unauthorized use. Lastly, it makes technical changes.

EFFECTIVE DATE: July 1, 2015, except that (1) certain technical changes are effective upon passage; (2) the provisions concerning (a) existing law's notification requirements and (b) the security program for health insurers, HMOs, and other entities are effective October 1, 2015; and (3) the smartphone provisions are effective July 1, 2016.

§§ 1 & 2 — STATE CONTRACTOR REQUIREMENTS

Confidential Information

With respect to information possessed by a state contractor, the act defines "confidential information" as:

1. a person's name, date of birth, or mother's maiden name;
2. any of the following numbers: motor vehicle operator's license, Social Security, employee identification, employer or taxpayer identification, alien registration, passport, health insurance identification, demand deposit or savings account, or credit or debit card;
3. unique biometric data such as fingerprint, voice print, retina or iris image, or other unique physical representation;
4. "personally identifiable information" and "protected health information," as defined in federal education and patient data regulations, respectively; or
5. any information that a state contracting agency tells the contractor is confidential.

CI does not include information that may be lawfully obtained from public sources or from federal, state, or local government records lawfully made available to the general public.

Contractor Security Protocols

Except in cases where the OPM secretary allows for alternate security assurance measures (see *Additional Protections and Exceptions*, below), every written agreement that authorizes a state contracting agency to share CI with a contractor must require the contractor to do at least the following:

1. at its own expense, protect from a CI breach all CI it has or controls, wherever and however stored or maintained;
2. implement and maintain a comprehensive data security program to protect CI (see below);
3. limit CI access to the contractor's authorized employees and agents for authorized purposes as necessary to complete contracted services or provide contracted goods;
4. maintain all CI obtained from state contracting agencies (a) in a secure server, (b) on secure drives, (c) behind firewall protections and monitored by intrusion detection software, (d) in a manner where access is restricted to authorized employees and agents, and (e) as otherwise required under state and federal law; and
5. implement, maintain, and update security and breach investigation procedures that are (a) appropriate given the nature of the information disclosed and (b) reasonably designed to protect CI from unauthorized access, use, modification, disclosure, manipulation, or destruction.

Under the act, a state contracting agency is a state agency, led by a department head (e.g., the Department of Administrative Services), that discloses CI to a contractor pursuant to a written agreement to provide goods or services for the state.

Data Security Program. The safeguards in the contractor's required data security program must be consistent with and comply with the safeguards for protecting CI, as set forth in all applicable federal and state laws and the written policies of the state in the agreement. The program must at least include:

1. a security policy for employees on storing, accessing, and transporting data with CI;
2. reasonable restrictions on accessing records with CI, including the area where the records are kept, and secure passwords for electronically stored records;
3. a process for reviewing policies and security measures at least annually; and
4. a mandatory, active, and ongoing employee security awareness program for all employees with access to CI provided by the state contracting agency.

At a minimum, the security awareness program must advise the employees of the information's confidentiality, safeguards required to protect the information, and any applicable state and federal civil and criminal penalties for noncompliance.

Data Storage. The act prohibits contractors, unless specified in the agreement, from:

1. storing CI on stand-alone computer or notebook hard disks or portable storage devices such as external or removable hard drives, flash cards, flash drives, compact disks, or digital video disks or
2. copying, reproducing, or transmitting CI except as necessary to complete contracted services or provide contracted goods.

All copies of CI data, including modifications or additions to the data, are subject to the provisions governing the original data.

CI Breaches

With respect to state contractors, the act defines "confidential information breach" as any instance where an unauthorized person or entity accesses CI that is subject to or otherwise used in conjunction with any part of a written agreement with a state contracting agency. This includes instances in which:

1. CI not encrypted or secured by any other method or technology that makes the personal information unreadable or unusable is misplaced, lost, stolen, or subject to unauthorized access;
2. a third party, without prior written state authorization, accesses or takes control or possession of (a) unencrypted or unprotected CI or (b) encrypted or protected CI and the confidential process or key capable of compromising its integrity; or
3. there is a substantial risk of identity theft or fraud of the client of the state contracting agency, contractor, state contracting agency, or state.

Notification of Data Breaches. Under the act, the agreement between the agency and contractor must require the contractor to take certain actions in the case of an actual or suspected CI breach. The contractor must:

1. notify the contracting agency and attorney general, as soon as practical, after becoming aware or having reason to believe that a breach occurred;
2. immediately stop using the data provided by the contracting agency or developed internally by the contractor pursuant to a written agreement with the state, if the contracting agency directs the contractor to do so; and

3. submit to the attorney general's office and the contracting agency, following a timetable established in the contractor's agreement with the agency, a report either (a) detailing the breach and providing a plan to mitigate its effects with the steps taken to prevent future breaches or (b) explaining why, upon further investigation, the contractor believes no breach occurred.

The act specifies that the report is not subject to disclosure under the Freedom of Information Act (FOIA). The agreement between the contractor and agency must also specify how the cost of any notification about, or investigation into, a CI breach is to be apportioned when the agency or contractor is the subject of a breach.

The act allows the notice to the contracting agency and attorney general to be delayed if a law enforcement or intelligence agency informs the contractor that the notification would impede a criminal investigation or jeopardize homeland or national security. If the notice is delayed, the contractor must provide it to the contracting agency as soon as reasonably feasible.

The act also allows the notice to be delayed at the contracting agency's sole discretion based on the report and, if applicable, plan provided. However, since the notice appears to precede the report and the plan, it is unclear how it could be delayed based on the report and plan.

Under the act, the attorney general may investigate and bring a civil action in Hartford Superior Court against contractors who violate its provisions. The act does not create a private right of action.

The act's requirements for data security are in addition to others in existing law (see § 6 – GENERAL REQUIREMENTS FOR SECURITY BREACH NOTIFICATIONS, below). The act's provisions with regard to contractors must not be construed to supersede a contractor's obligations under the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), or any other applicable federal or state law (see BACKGROUND).

Breaches of Education Records. If CI has education records with personally identifiable information, as defined under federal regulations, the contractor may be subject to a five-year ban on receiving access to such information, imposed by the State Department of Education. The information in this case is:

1. the name or address of a student, his or her parents, or other family members;
2. a personal identifier (e.g., a student's Social Security number);
3. other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school

community to identify the student with reasonable certainty; or

4. information requested by anyone who the educational agency or institution reasonably believes knows the identity of the student to whom the record relates (34 CFR § 99.3).

Additional Protections and Exceptions

Under the act, the OPM secretary, or his designee, may require additional protections or alternate security assurance measures for CI if the facts and circumstances warrant them after considering, among other factors, the:

1. type and amount of CI being shared,
2. purpose for which the CI is being shared, and
3. types of goods or services covered by the contract.

§ 6 — GENERAL REQUIREMENTS FOR SECURITY BREACH NOTIFICATIONS

The act amends the security breach notification requirements applicable to any person who conducts business in Connecticut.

Existing law generally requires anyone who conducts business in the state and who, in the ordinary course of business, owns, licenses, or maintains computerized data that includes personal information to disclose a security breach without unreasonable delay to state residents whose personal information has been, or is reasonably believed to have been, accessed by an unauthorized person. It also requires the person to notify the attorney general of the security breach not later than when the affected residents are notified. Failing to notify the residents or attorney general constitutes an unfair trade practice under the Connecticut Unfair Trade Practices Act (CUTPA) (see BACKGROUND).

The act specifies that these notices must be given within 90 days after the discovery of a breach, unless federal law requires a shorter time. By law, notice is required for a breach that compromises a person's (1) first name or initial and last name in combination with a Social Security number; (2) driver's license or state identification card number; or (3) account, credit, or debit card number and any required security code or password.

Additionally, the act requires that the notice include an offer of at least one year of free identity theft prevention and monitoring services. The notice must tell a person how to (1) enroll in the services and (2) place a freeze on his or her credit file. The act makes failing to offer these services a CUTPA violation.

§ 5 — COMPREHENSIVE INFORMATION SECURITY PROGRAM

The act requires each health insurer, HMO, and related entity ("company"), by October 1, 2017, to implement and maintain a comprehensive information security program to safeguard the personal information it compiles or maintains on insureds and enrollees. The act specifies program requirements and requires the program to be updated as necessary and practicable, but at least annually.

Beginning October 1, 2017, each company must annually certify to the Insurance Department, under penalty of perjury, that it maintains a program in compliance with the act. The insurance commissioner or attorney general may request a copy of a company's program to determine compliance. If either one determines that the program is noncompliant, the company must amend it to bring it into compliance to the commissioner's or attorney general's satisfaction.

The act requires each company that discovers an actual or suspected security breach to (1) notify each impacted state resident without unreasonable delay, but at least within 90 days after discovering the breach, unless federal law requires a shorter time; (2) offer impacted residents at least one year of free identity theft prevention and mitigation services; and (3) inform the residents on how to enroll in the services and place a freeze on their credit files. A company that fails to comply with these requirements commits an unfair trade practice.

The act requires the insurance commissioner to enforce the act's provisions regarding a company's comprehensive information security program.

Affected Companies

The program requirements apply to each (1) health insurer, HMO, and other entity licensed to write health insurance in Connecticut; (2) pharmacy benefits manager; (3) third-party administrator that administers health benefits; and (4) utilization review company.

Personal Information

The act defines "personal information" (for purposes of a company's security program) as a person's first name or initial and last name used with any one or more of the following: (1) Social Security number; (2) driver's license or state identification number; (3) protected health information, as defined by HIPAA; (4) taxpayer identification number; (5) alien registration number; (6) passport number; (7) demand deposit account number; (8) savings account number; (9) credit or debit card number; or (10) unique biometric data (e.g., fingerprint, voice print, or retina or iris image). Personal information does not include publicly

available information lawfully available in government records or widely distributed media.

Breach of Security

Under the act, “breach of security” (for purposes of a company’s security program) means unauthorized access to or acquisition of electronic files, media, databases, or computerized data containing personal information when access has not been secured by encryption or other technology that renders the information unreadable or unusable.

Program Requirements

By October 1, 2017, the act requires that each company’s comprehensive information security program be in writing and include administrative, technical, and physical safeguards appropriate to the (1) size, scope, and type of its business; (2) amount of resources available to the company; (3) amount of data the company compiles or maintains; and (4) need for data security and confidentiality.

Authentication Protocols. Each program must include secure computer and Internet user authentication protocols, including:

1. control of user identifications and other identifiers;
2. multifactor authentication that includes (a) a reasonably secure method of assigning and selecting a password or (b) unique identifier technology, (e.g., biometrics or security tokens);
3. control of security passwords to ensure that they are maintained in a way that does not compromise personal information;
4. restricting access to active users and active user accounts only; and
5. blocking access after multiple unsuccessful attempts to gain access to information.

Access Control Measures. The act requires that each program include secure access control measures, including:

1. restricting access to personal information to only those individuals who need it to perform their jobs;
2. assigning, to each person with computer and Internet access to the company’s data, (a) passwords that are not vendor-assigned defaults and that must be reset at least every six months and (b) unique user identifications that are designed to maintain the security of the access controls;
3. encrypting all personal information when (a) transmitted on a public Internet network or wirelessly or (b) stored on a laptop computer or

other portable device;

4. security breach monitoring;
5. maintaining, for personal information on a system connected to the Internet, reasonably up-to-date software security protection that can support updates and patches (e.g., firewalls and malware protection); and
6. educating and training employees on properly using the company’s security systems and the importance of securing personal information.

Each company must review the scope of these measures at least annually or whenever there is a material change in the company’s business practices that may affect the security, confidentiality, or integrity of personal information.

Other Requirements. Additionally, the act requires that each program:

1. designate one or more employees to oversee the program and its maintenance;
2. (a) identify and assess reasonably foreseeable risks to the security, confidentiality, or integrity of any records with personal information; (b) evaluate and improve, as necessary, the effectiveness of the current safeguards to limit those risks (e.g., employee training); and (c) upgrade safeguards as necessary to limit risks;
3. develop employee security policies and procedures for storing, accessing, transporting, and transmitting personal information off-premises;
4. discipline employees who violate the security program;
5. prevent terminated, inactive, or retired employees from accessing personal information;
6. oversee contracted third parties that have access to personal information by selecting those capable of maintaining appropriate safeguards and requiring them to implement and maintain safeguards that are consistent with the act;
7. include reasonable restrictions on physical access to personal information in paper format (e.g., storing data in locked facilities);
8. (a) include mandatory post-incident review by the company following a suspected or actual security breach and (b) document the company’s response actions; and
9. include any other safeguards the company believes will enhance its program.

§ 4 — OPM DATA ACCESS PROGRAM

The act requires the OPM secretary to (1) develop a program to access, link, analyze, and share data

maintained by executive agencies and (2) respond to queries from state agencies, private entities, or others that would otherwise require access to data maintained by two or more executive agencies. The secretary must prioritize queries that seek to measure outcomes for state-funded programs or that may facilitate the development of policies to promote the effective, efficient, and best use of state resources. He must notify the applicable executive agency when data within the agency's custody is requested.

With respect to the data access program, (1) an "executive agency" is any agency with a department head, a constituent unit of higher education, or the Office of Higher Education and (2) "state agency" is any office; department; board; council; commission; institution; constituent unit of the state system of higher education; technical high school; or other executive, legislative, or judicial branch agency.

"Data" means statistical or factual information that (1) is in a list, table, graph, chart, or other nonnarrative form that can be digitally transmitted or processed; (2) is regularly created and maintained by or on behalf of an executive agency; and (3) records a measurement, transaction, or determination related to the mission of the executive agency or provided to it by a third party as required by law. Data does not include tax returns or return information, as defined in state law.

Required Program Elements

The act requires the OPM secretary to establish policies and procedures to:

1. review and respond to queries to ensure that (a) a response is permitted under state and federal law, (b) protected data's privacy and confidentiality can be assured, and (c) the query is based on sound research design principles and
2. protect and ensure the security, privacy, confidentiality, and administrative value of data collected and maintained by executive agencies.

The secretary must request from, and execute a memorandum of agreement with, each executive agency detailing data-sharing between the agency and OPM. The agreement must (1) authorize OPM to act on behalf of the executive agency for purposes of data access, matching, and sharing and (2) include provisions to ensure the proper use, security, and confidentiality of the shared data. Any executive agency asked to execute an agreement must comply.

The act also requires the OPM secretary, in consultation with the state's chief information officer, to develop and implement a (1) secure information technology solution to link data across executive agencies and (2) detailed data security and safeguarding

plan for the data accessed or shared through the solution.

The act specifies that, for the purposes of FOIA, OPM is not considered the agency with custody or control of public records or files made accessible to the office under the data access program. Presumably, this means that if another agency provides records to OPM under the program, OPM would not be required to disclose those records in response to a FOIA request. OPM must, however, be considered the agency with custody and control of public records or files it creates, including reports it generates to respond to data queries (i.e., OPM must disclose those records under FOIA unless they are otherwise exempt).

Labor Department Records

Under the act, the OPM secretary is an authorized representative of the labor commissioner or unemployment compensation administrator and must receive, on request, any information the commissioner has relating to employment records that may include (1) an employee's name, Social Security number, and current residential address; (2) employer's name, address, and North American Industry Classification System code; and (3) wages. The act requires the Labor Department, upon the secretary's request, to furnish unemployment compensation wage records contained in the quarterly returns required and maintained by the labor commissioner. (The act has an incorrect statutory reference for these returns.)

§ 7 — SMARTPHONES

The act prohibits anyone, from July 1, 2016 to July 1, 2017, from offering a new smartphone model for retail sale in Connecticut unless the smartphone has certain features to prevent unauthorized use. These features are specific software or hardware, a combination of both, or software that is downloadable upon initial activation upon purchase. Once initiated and successfully communicated by an authorized user, this software or hardware must make the smartphone's essential features inoperable to an unauthorized user.

Under the act, a "smartphone" is a hand-held cellular mobile telephone or other mobile voice communications handset device with certain mandatory features. The features must include:

1. a mobile operating system;
2. wireless network connectivity; and
3. the capability to (a) use mobile software applications, (b) access and browse the Internet, (c) use text messaging and digital voice service, (d) send and receive e-mail, and (e) operate on a long-term evolution network or on any successor wireless data network

communication standard.

A smartphone does not include a (1) telephone commonly referred to as a “feature” or “messaging” telephone, (2) laptop computer, (3) tablet device, or (4) device with only electronic reading capability.

BACKGROUND

HIPAA and FERPA

The HIPAA “privacy rule” sets national standards to protect the privacy of health information. It protects individually identifiable health information by defining and limiting the circumstances under which covered entities may use or disclose such information.

Except under specified and limited circumstances, FERPA requires schools to obtain written permission from a parent or guardian before disclosing educational records to a third party.

CUTPA

CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney’s fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order (CGS § 42-110a et seq.).

PA 15-164—sHB 6750

*Government Administration and Elections Committee
Judiciary Committee*

AN ACT CONCERNING THE DISCLOSURE OF ARREST RECORDS DURING A PENDING PROSECUTION UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: This act increases law enforcement agencies’ disclosure obligations under the Freedom of Information Act (FOIA) for records relating to a person’s arrest. By law, when a person is arrested, a law enforcement agency must disclose the “record of the arrest” under FOIA unless it pertains to the arrest of a juvenile or has been erased in accordance with the law. Under prior law, the record of the arrest consisted of (1) the arrestee’s name and address; the date, time, and place of the arrest; and the offense for which the person

was arrested (i.e., “blotter information”) and (2) at least one additional report designated by the agency. The additional report could be the arrest report, incident report, news release, or other similar report of the arrest.

The act modifies both components of the record of the arrest. It (1) requires that the blotter information also include the arrestee’s race and (2) eliminates the requirement to disclose the one additional report and instead requires the law enforcement agency to disclose certain other records describing the arrest. Under the act, the agency must disclose the (1) arrest warrant application and supporting affidavits, if the arrest was made by warrant, or (2) official arrest, incident, or similar report, if the arrest was made without a warrant. If a judicial authority orders the affidavits or report sealed, in whole or in part, then the agency must disclose the unsealed portion, if applicable, and a report summarizing the circumstances that led to the arrest, without violating the judicial authority’s order. The act specifies that the record of the arrest does not include any investigative files a law enforcement agency compiles in connection with investigating a crime resulting in an arrest.

The act prohibits law enforcement agencies from redacting the record of the arrest except for (1) witnesses’ identities; (2) specific information about the commission of a crime, if the agency reasonably believes it may prejudice a pending prosecution or a prospective law enforcement action; or (3) information ordered sealed by a judicial authority. Under prior law, the law enforcement agency could redact information from the additional report (but not the blotter information) in accordance with FOIA’s eight law enforcement records exemptions (see BACKGROUND).

The act also requires that, during the period in which a person’s prosecution is pending, law enforcement agencies disclose under FOIA any public record that documents or depicts a person’s arrest or custody, unless there is an applicable statutory exemption from disclosure. A law enforcement agency that receives a FOIA request for such a record must notify the state’s attorney for the judicial district where the arrest occurred. The act allows the state’s attorney to intervene in any proceeding before the Freedom of Information Commission concerning the requested record.

Lastly, the act specifies that it applies only when a prosecution is pending against the person who is the subject of the record (see BACKGROUND). At all other times, the applicable provisions of FOIA govern disclosure of the record (i.e., the record must be disclosed unless there is a statutory exemption from disclosure). It also makes technical changes.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Law Enforcement Records Exemption

FOIA exempts law enforcement records from disclosure if they were compiled in connection with the detection or investigation of crime and disclosure would not be in the public interest because it would reveal:

1. the identity of informants or witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;
2. the identity of witnesses who are minors;
3. witnesses' signed statements;
4. information to be used in a prospective law enforcement action if prejudicial to the action;
5. investigatory techniques not otherwise known to the general public;
6. juvenile arrest records, including any associated investigatory files;
7. the name and address of the victim of (a) sexual assault or (b) risk of injury to a minor, or of an attempt thereof; or
8. uncorroborated allegations subject to destruction (CGS § 1-210(b)(3)).

Pending Prosecution

In *Commissioner of Public Safety v. Freedom of Information Commission*, 312 Conn. 513 (2014), the Connecticut Supreme Court held that, during a pending prosecution, only the "record of the arrest" (see above) is subject to disclosure by law enforcement agencies under FOIA.

PA 15-173—sHB 6902

*Government Administration and Elections Committee
Planning and Development Committee*

AN ACT CONCERNING MUNICIPAL COMMUNICATIONS REGARDING REFERENDA

SUMMARY: Existing law generally prohibits municipalities from sending residents unsolicited communications about referenda, but it authorizes those that maintain a community notification system to use it, at their chief elected official's direction, to notify enrolled residents of an upcoming municipal referendum.

This act authorizes regional school boards to also request that their member municipalities use their community notification systems to notify enrolled residents of an upcoming regional school district referendum. The board chairperson must make the request.

The act also authorizes regional school boards to print and disseminate neutral printed material, in addition to explanatory texts, about regional school district referenda. The board's attorney must approve the material. Municipalities already had this authority for municipal referenda. The act specifies that the material may be prepared by a person authorized by the regional school board or municipal legislative body, whichever applies.

Existing law prohibits the use of public funds to influence the success or defeat of a referendum question. The act exempts from this prohibition third-party comments posted on social media or Internet websites maintained by the state, municipalities, or regional school districts. The act also conforms law to practice by specifying that an Internet website maintained by a municipality or regional school district is not a community notification system and may contain a notice of an upcoming municipal or regional school district referendum.

The act makes several technical and conforming changes, principally to align the processes under which municipalities and regional school boards authorize, prepare, approve, and disseminate referenda explanatory texts and other neutral printed material.

EFFECTIVE DATE: Upon passage

COMMUNITY NOTIFICATION SYSTEMS

By law, a "community notification system" is a communication system available to all residents of a municipality that permits them to opt to be notified of community events or news by e-mail, text, telephone, or other electronic or automated means.

Prior law required municipalities to limit notices to (1) a referendum's time and location, (2) the ballot question, and (3) any approved explanatory text describing the question's intent and purpose. Under the act, the notices may also include other neutral printed material approved for submission to electors on a municipal or regional school district referendum.

The law, unchanged by the act, prohibits the notice from advocating for or against the success or defeat of a referendum question.

PA 15-181—sHB 6997

Government Administration and Elections Committee

AN ACT IMPLEMENTING THE STATE BOARD OF ACCOUNTANCY'S RECOMMENDATION TO REDEFINE "ATTEST" AND "REPORT"

SUMMARY: This act adopts certain provisions of the Uniform Accountancy Act (UAA) to update state law to reflect current practice in the accounting profession (see BACKGROUND).

The act expands the definition of “attest” to include any examination, review, or agreed-upon procedures engagement performed according to the Statements on Standards for Attestation Engagements (SSAEs). In doing so, it broadens the activities that must be performed by certified public accountants (CPAs) to include reviews of subject matter other than financial statements that are performed according to professional accounting standards (i.e., SSAEs).

The act also:

1. modifies the definition of “report” to specify the contents of the documents that may be issued only by CPAs or CPA firms;
2. prohibits non-CPAs and non-CPA firms from (a) offering or rendering any attest or compilation service and (b) issuing reports on attest services that contain language conventionally used by CPAs;
3. expands the services that out-of-state CPA firms that hold a permit issued by the Connecticut Board of Accountancy (BOA) may provide to Connecticut clients;
4. expands the services that out-of-state CPAs acting through a permitted CPA firm may provide to Connecticut clients; and
5. specifies that for permit renewals, CPA firms providing attest services are subject to BOA-established quality review requirements.

EFFECTIVE DATE: October 1, 2015

ATTEST DEFINITION

Under prior law, the definition of attest was limited to financial statement services, including audits, performed according to applicable professional accounting standards. The act expands the definition to include any examination, review, or engagement performed according to the SSAEs. Prior law only included in the definition of attest reviews of prospective financial information performed according to the SSAEs. The SSAEs are used by CPAs when they review subject matter other than historical financial statements.

REPORT DEFINITION

By modifying the definition of report, the act (1) expands the subject matter of documents that may be issued only by CPAs or CPA firms and (2) specifies the type of language that may be used only in documents issued by CPAs or CPA firms.

Under prior accountancy law, “report” referred to writing in reference to financial statements that (1) expressed or implied assurance of the reliability of the statements, including certain disclaimers, and (2) indicated that the person or firm issuing the report had special competence in accounting or auditing, including using language conventionally understood to indicate assurance of the reliability of financial statements.

The act expands the definition of “report” to include any opinion or other form of writing that refers to any attest or compilation service, rather than just financial statement services, indicating a positive assurance of the reliability of the attested or compiled information. It also specifies that (1) an indication that the report issuer has special competence in accounting or auditing can come from using titles (e.g., CPA) or any other language implying such competence (e.g., referring to professional accounting standards) and (2) “report” includes using disclaimers of opinion conventionally understood to imply the special competence of the report’s issuer.

PROVISION OF ATTEST AND COMPILATION SERVICES

Prohibition on Performing Services

The law prohibits a person or firm that is not a CPA or CPA firm from issuing financial statement reports completed according to the applicable professional accounting standards. The act expands the prohibition to include (1) offering or rendering any attest or compilation service, including those performed using the SSAEs on subjects other than financial statements, and (2) issuing a report on such services using any language conventionally used by CPAs.

The act retains existing exceptions to this prohibition that allow non-CPAs to perform tasks involving accounting or auditing skills without issuing reports (e.g., issuing a document completed using professional accounting standards). Although the act expands the definition of attest services to include reviews of subjects other than financial statements, it does not prohibit a non-CPA from performing similar services. A non-CPA or non-CPA firm may review documents other than financial statements (e.g., an engineering consulting firm could review a company’s greenhouse gas emissions), but that person or firm cannot state or imply that the service or report was

performed by a CPA or conducted according to professional accounting standards, such as the SSAEs.

Out-of-State CPAs and CPA Firms

The law requires out-of-state CPA firms to hold a permit in order to provide certain attest services for clients with a home office in Connecticut. Specifically, firms need a permit to perform (1) certain audits according to professional accounting standards and (2) examinations of prospective financial information according to the SSAEs. The act expands such services to include any review or other engagement conducted according to the SSAEs.

By law, out-of-state CPAs with Connecticut practice privileges may only perform certain attest services for clients with a home office in Connecticut if they do so through a CPA firm with a permit. The act expands such services to include (1) reviews or other procedures performed according to the SSAEs and (2) reviews of financial statements performed according to specified professional accounting standards.

BACKGROUND

Uniform Accountancy Act (UAA)

In 1984, the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy published the first joint model act, later renamed the UAA. A substantial majority of state accountancy laws followed, in their principal provisions, the example provided by earlier model accountancy acts and the UAA. The UAA contains separable provisions that may be added to existing state laws instead of replacing them entirely.

The latest edition to the UAA (Seventh Edition, July, 2014) revises the definition of attest to include any examination, review, or agreed-upon procedures engagement performed using the SSAEs. Previously, it included only examinations of prospective financial information performed according to the SSAEs in the definition of attest. Consequently, non-CPAs were not prohibited from performing many attest activities according to professional accounting standards.

PA 15-182—sHB 7000

Government Administration and Elections Committee

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES, EXAMINATIONS FOR STATE EMPLOYMENT AND STATE WORKERS' COMPENSATION PAYMENTS TO REFERRING PRACTITIONERS

SUMMARY: This act makes several changes to the laws governing examinations for state employment. It increases, from one year to two years, the maximum amount of time for which the Department of Administrative Services (DAS) can extend the effective period for a candidate list for state employment. By law, candidate lists are effective for between three months and one year but may be extended by the DAS commissioner based on the state's needs.

The act prohibits DAS from charging a fee for state employment examinations unless the department first adopts regulations establishing reasonable fees. By law, DAS may charge a person not employed by the state an examination fee that does not exceed the cost of developing and administering the examination.

By law, if the DAS commissioner waives an examination requirement for a state position, she may delegate to a department head the authority to recruit for that position. Under prior law, the department head had to conduct the recruitment pursuant to a DAS-approved delegation plan. The act specifies that such a plan is not necessary for positions that require a professional license, degree, or accreditation for appointment or promotion. The act also makes DAS audits of delegated recruitments discretionary rather than mandatory.

Additionally, the act conforms the state employee workers' compensation law to current practice by allowing the state to make compensation payments when a practitioner refers a patient to a facility the practitioner owns in whole or in part. Prior law prohibited the state from making payments to such facilities.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Related Act

PA 15-64 allows, under certain conditions, candidates for state jobs to apply their most recent promotional examination score to the candidate list established for a subsequent examination for the same classification.

PA 15-224—sSB 1051

*Government Administration and Elections Committee
Appropriations Committee*

AN ACT STRENGTHENING THE STATE'S ELECTIONS

SUMMARY: This act modifies state election laws affecting, among other things, registrars of voters, the secretary of the state, voter registration, candidate endorsements and nominations, election returns, and post-election audits. It also authorizes municipalities to enter into agreements to jointly perform election functions.

Principally, the act:

1. requires that registrars of voters be certified;
2. under certain circumstances, authorizes the (a) removal of a registrar from office after an investigation and hearing or (b) secretary of the state to temporarily relieve a registrar of his or her duties;
3. explicitly requires that the secretary of the state's written regulations, declaratory rulings, instructions, and opinions be implemented, executed, or carried out;
4. requires the State Elections Enforcement Commission (SEEC) to complete investigations resulting from complaints the secretary files on alleged election law violations within 90 days after receipt;
5. subject to certain conditions, allows the secretary of the state, in consultation and coordination with UConn, to authorize the use of electronic equipment to conduct post-primary and post-election audits;
6. establishes an in-district residency requirement for petitioning, write-in, and minor party candidates;
7. requires registrars to notify the secretary no later than seven days after receiving primary petition pages for a municipal office candidate running in a state election;
8. changes several deadlines associated with canvassing election returns and submitting the official results to the secretary;
9. moves the mail-in voter registration deadline from 14 to seven days before an election;
10. allows U.S. citizens ages 16 or 17 to be appointed as ballot clerks;
11. requires that voter ID requirements be displayed in each polling place; and
12. exempts registrars of voters and deputy registrars from jury duty during the 21 days before and after each federal, state, or municipal election, primary, or referendum (§ 33).

The act makes several minor, technical, and conforming changes. For example, it eliminates certain obsolete references to “permanent assistant registrar of voters” and “special assistant registrar of voters” (§§ 1, 2, 7, & 8). It also makes technical corrections to statutes governing how candidates’ names appear on the ballot so that they conform to changes made by PA 11-173, which authorized all candidates to determine how their names appear on the ballot (§§ 19 & 20).

EFFECTIVE DATE: Upon passage, except that provisions on municipal office endorsements by major parties, residency requirements, and invalid nominations are effective January 1, 2016.

§§ 1, 2, 4 & 5 — REGISTRARS OF VOTERS*§§ 1 & 2 — Training and Certification*

Under prior law, registrars of voters and deputy registrars could opt to become certified by voluntarily participating in a training course developed by a six-member committee. The committee consists of the secretary of the state, a representative from SEEC, and four registrars of voters whom the secretary appoints in consultation with the Registrars of Voters Association of Connecticut.

The act (1) makes the committee advisory; (2) requires, rather than allows, registrars to become certified; and (3) requires the secretary, in consultation with the committee, to establish a mandatory certification program. It allows assistant registrars to voluntarily participate in the training course, as existing law allows for deputies. The act also requires municipalities to fund their registrars’ costs for completing the program and satisfying the certification criteria.

Under the act, registrars taking office on or before July 1, 2015 must complete the program and satisfy the certification criteria by July 1, 2017. With one exception, those taking office after July 1, 2015 must do so no later than (1) the end of their term, in the case of a two-year term or (2) two years from their first day in office, in the case of a four-year term. A deputy registrar who becomes registrar by filling a vacancy within 90 days before a state election must complete an abridged program prescribed by the secretary of the state for a provisional certification. Completing the abridged program does not satisfy the full certification requirement.

The act eliminates the requirement that the secretary certify any qualified candidate whom the committee recommends for registrar certification. It instead requires that she certify individuals who successfully complete the required training and examination. The act also eliminates the secretary’s authority to rescind a registrar’s certification upon a

finding of sufficient cause by a majority of the committee.

The act requires registrars to complete at least eight hours of training per year to maintain their certification. The secretary of the state must prescribe the training, and either she or a third party she approves must conduct it. The secretary must direct a registrar who fails to fulfill the annual training requirement to “take remedial measures,” which she must prescribe.

The certification maintenance training is separate from, and in addition to, the existing election law and procedures training program, which the advisory committee develops. By law, registrars must designate themselves or their deputies or assistants to receive at least ten hours of instruction annually under this program, and the secretary must hire registrars or former registrars to provide the training.

§ 4 — *Removal from Office*

The act establishes a formal process for removing registrars of voters from office. Under this process, the secretary of the state can seek removal by filing a statement with SEEC if, in her opinion, a registrar engaged in misconduct, willful and material neglect of duty, or incompetence in office.

Within 30 days after receiving the statement, SEEC must investigate and determine whether to refer the matter to the attorney general to pursue removal. Upon referral, the attorney general may ask SEEC to investigate further. If in his opinion the investigation warrants it, the attorney general may prepare a citation in the name of the state requiring the registrar to appear in Superior Court and show cause why he or she should not be removed from office. The registrar must be served with a copy of the attorney general’s statement and citation at least 10 days before he or she must appear in court.

The registrar is entitled to a full hearing during which the attorney general may require the attendance and testimony of witnesses and the production of evidence. If, after the hearing, the judge orders the registrar removed from office, the Superior Court clerk must cause the registrar to be served with the order. At that point, the registrar must be removed from office, and the deputy registrar immediately becomes the successor registrar.

The attorney general may designate an SEEC attorney as a special assistant attorney general to perform the duties assigned to the attorney general under the act.

§ 5 — *Temporary Relief of Duties*

The act authorizes the secretary of the state to temporarily relieve a registrar of his or her duties who

(1) fails to earn or maintain certification or (2) is the subject of an investigation related to his or her duties resulting from a statement filed with SEEC by the secretary. Under the act, the secretary may issue a written instruction to the registrar to appear before her on a specified date and at a specified time. The instruction must cite the reasons why it was issued and inform the registrar that the purpose of the appearance is to determine whether to temporarily relieve him or her of duty.

The registrar must appear before the secretary and have a fair opportunity to show cause why he or she should not be temporarily relieved of duty. After providing such an opportunity, the secretary may temporarily relieve the registrar if she determines that the public interest in the orderly conduct of elections would be served. In that case, the secretary must require that the deputy registrar administer office operations until (1) the registrar attains or maintains certification or (2) SEEC completes its investigation and takes final action on the matter.

The act specifies that (1) a municipality may continue paying a registrar’s salary while a resolution is pending and (2) the procedure it establishes for registrars appearing before the secretary is not a contested case under the Uniform Administrative Procedure Act.

§§ 3 & 6 — THE SECRETARY OF THE STATE

§ 3 — *Authority*

The act requires that the secretary of the state’s written instructions and opinions be labeled as such and cite the authority on which they are based. It also requires that her regulations, declaratory rulings, instructions, and opinions be implemented, executed, and carried out, whichever applies. Prior law presumed that these written statements correctly interpret and effectuate the administration of elections and primaries, but did not explicitly require that they be implemented. (PA 15-5, June Special Session, § 445 contains the same provisions on the secretary’s written statements. It is effective January 1, 2016.)

By law, the above requirements do not apply to campaign finance laws, which are under SEEC’s purview. The act specifies that campaign finance laws include those governing the Citizens’ Election Program, computerization of campaign finance statements and data, and public financing for municipal elections.

§ 6 — *Complaints to SEEC*

By law, SEEC receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath concerning alleged election law violations. It investigates and holds hearings as it

deems appropriate.

Under existing law, SEEC has 60 days after receiving a written complaint to issue a decision or determine if probable cause exists. This means the commission must issue (1) Findings and Conclusions (i.e., vote to dismiss); (2) a Consent Order and Agreement (i.e., settlement); or (3) a Notice of Hearing after making a probable cause determination. After 60 days, the complainant or respondent may apply to Hartford Superior Court for an order to show cause why SEEC has not acted and provide evidence that it has unreasonably delayed action.

With respect to statements the secretary of the state files on or after July 1, 2015, the act requires SEEC to (1) determine whether to investigate within 30 days after the filing and (2) complete an investigation and issue a decision within 90 days after the filing. If SEEC fails to meet these deadlines, the secretary may apply to Hartford Superior Court for an order to show cause why it has not acted on the statement and provide evidence that it has unreasonably delayed action. Under the act, any such judicial proceeding must be privileged with respect to assignment for trial.

With certain exceptions (e.g., complaints related to alleged violations of the federal Help America Vote Act), prior law did not establish a deadline by which SEEC had to complete investigations.

§§ 9 & 10 — VOTER REGISTRATION

§ 9 — *Online Voter Registration System*

The law requires the secretary of the state to maintain an online voter registration system. In addition to new registrations, the system must permit a registered voter to apply to make changes to his or her registration information.

The act specifies that registrars and other admitting officials may use the online system to register voters during Election Day Registration (EDR). By law, a person may register and vote on Election Day at a designated EDR location if he or she is eligible to vote in this state and is (1) not already an elector or (2) registered in one municipality, but wants to change his or her registration because he or she resides in another municipality.

§ 10 — *Deadlines*

Prior law established separate voter registration deadlines before an election for mail-in and in-person applications. The act makes these deadlines uniform by moving the mail-in voter registration deadline from 14 to seven days before an election, thus making it the same as the in-person deadline.

§§ 11 - 16 — ENDORSEMENTS AND NOMINATIONS

§§ 11 & 12 — *Major Party Municipal Office Endorsements*

The act requires major parties to include the signatures of candidates they endorse to run in a primary for municipal office in the endorsement certificates they file with the town clerk. Existing law establishes the signature requirement for (1) major party legislative and statewide office candidates and (2) minor party nominations of municipal, legislative, and statewide office candidates.

The act eliminates the requirement that major parties file endorsement certificates for registrars of voters with town clerks. It instead requires that they file these certificates with the secretary of the state, as they must do under existing law for other municipal office candidates elected at a state election (e.g., state representative in a single-town district). Thus, in state election years, town clerks must publish notice indicating that the list of endorsed candidates is available in the secretary's office, not in the clerk's office as under prior law.

The act conforms the endorsement certificate attestation requirements for justices of the peace and municipal office candidates elected at a state election to the attestation requirements for other offices. Specifically, the act eliminates the requirement that both the chairperson (or presiding officer) and the secretary of the endorsing town committee, caucus, or convention attest to the certifications. Instead, under the act, only one must do so.

Forms. Under the act, endorsements for municipal office candidates voted on at a state or municipal election must be on a form that the secretary of the state prescribes, or another form that complies with the certification requirements.

§§ 13 - 15 — *Residency Requirements*

The act establishes an in-district residency requirement for petitioning, write-in, and minor party candidates for municipal or district office. The requirement already applies to major party candidates.

Under the act, a petitioning or minor party candidate nomination is valid only when the candidate's name appears on the last-completed enrollment list for the district in which he or she will run. A write-in candidate registration is valid only when it meets the same standard. Under prior law, these nominations and registrations were valid when the candidate was a registered voter in the state.

§ 15 — *Invalid Nominations*

By law, minor parties must certify their list of nominations to the secretary of the state or town clerk, whichever applies, by the 62nd day before the election. The act deems invalid any certificate that the secretary or town clerk does not receive by this deadline. If invalidated, the party is deemed to have not nominated or certified any candidate for office. Similarly, under existing law, major parties are deemed to have not endorsed a candidate if they miss statutory deadlines for filing an endorsement certificate with the secretary or town clerk, as applicable.

§ 16 — *Primary Petitions for Certain Municipal Office Candidates*

By law, registrars of voters receive and certify primary petition pages. For state and district office candidates, registrars must file certified petition pages with the secretary of the state no later than seven days after receiving them. For municipal office candidates, they must file the certified pages with the town clerk by the same deadline.

The act requires registrars to notify the secretary no later than seven days after receiving primary petition pages for a municipal office candidate elected at a state election. Specifically, registrars must file a certificate with the secretary, on a form she prescribes, that includes for each such candidate the (1) name and full street address and (2) office and district.

§§ 17 & 18—POLLING PLACES AND POLL WORKERS

§ 17 — *Ballot Clerks*

The act allows U.S. citizens ages 16 or 17 who are bona fide residents of a municipality to be appointed as ballot clerks after (1) attending poll worker training and (2) receiving written permission from a parent or guardian, or in some cases, school principal. Existing law allows them to also be appointed as checkers, translators, or voting tabulator tenders after satisfying these two requirements.

§ 18 — *Posting Voter ID Requirements*

The act requires that voter ID requirements be posted prominently with the official checkers at each polling place during a primary, election, or referendum. The secretary of the state must prescribe the display's form, and the registrars must provide one for each polling place. The display must be visible to each elector when his or her name is checked off the official checklist.

§§ 21 - 27 — ELECTION RETURNS

The act changes several deadlines associated with canvassing election returns and submitting the official results to the secretary of the state. Under prior law, head moderators had to lock the voting tabulators as soon as the polls closed and announce the tabulator vote totals for each candidate and any ballot question. As the moderator announced the votes, the checkers recorded them on tally sheets. The vote totals remained in full public view until signed by the moderator, checkers, and registrars or assistant registrars. Upon completing the statement of canvass, the moderator had to publicly announce the election results by reading (1) each candidate's name and ballot designation, including his or her absentee votes, and (2) votes for and against any ballot questions.

For candidates voted on in a state or federal election, moderators prepare a "duplicate list," which includes candidate vote totals together with a statement of the number of names on the official checklist and the number that voted. Under prior law, duplicate lists were due by (1) midnight on election day to the secretary of the state, if submitted electronically; (2) 6:00 p.m. the day following the election to the secretary, if hand delivered; or (3) 4:00 p.m. to the State Police the day following the election, in which case the police had to hand deliver the lists to the secretary by 6:00 p.m. that day. Moderators had to also transmit the results of municipal elections in this manner.

The act modifies several of these and associated deadlines. Principally, it:

1. requires moderators to prepare the candidate tabulator vote totals for transmission to the secretary once the checkers have recorded them;
2. for state and federal elections, names this document the "preliminary list" and requires that moderators immediately transmit it to the secretary by midnight on election day;
3. for state and federal elections, requires, rather than allows, moderators to transmit duplicate lists electronically and makes the deadline 48 hours after the polls close; and
4. for municipal elections, requires, rather than allows, moderators to transmit election results electronically and makes the deadline 48 hours after the polls close.

Several of the changed deadlines conform to the act's deadline for submitting the duplicate lists. Table 1 shows the deadlines under prior law and the act.

Table 1: Election Returns and Canvass Deadlines

<i>PA 15-224 §§</i>	<i>Requirement</i>	<i>Deadline Under Prior Law</i>	<i>Deadline Under the Act</i>
§ 21	Moderator deposits certificate from the official checkers with town clerk	Day following the primary or election	48 hours after the polls close
§ 21	Registrars deposit signed registry list with town clerk	Day following the primary or election	48 hours after the polls close
§ 23	Moderator announces (1) each candidate and his or her absentee votes and (2) votes for and against ballot questions	As soon as the polls close and count is complete	48 hours after the polls close
§§ 23 & 26	Moderator submits to secretary of the state preliminary list of election returns for offices voted on at a state or federal election	N/A	Midnight on election day
§ 26	Moderator submits to secretary of the state (1) duplicate list of election returns for offices voted on at a state or federal election or (2) results of votes for offices voted on at a municipal election	Midnight on election day, if delivered by electronic means (hard copy must be delivered within three days after the election); 6:00 p.m. the day after the election, if delivered by hand; or 4:00 p.m. the day after the election, if delivered by hand to the State Police (in which case the police must meet the 6:00 p.m. deadline)	48 hours after the polls close, by electronic means (hard copy must be delivered within three days after the election)
§ 26	Moderator delivers duplicate list to town clerk	Day following election	None
§ 27	Registrars provide town clerk with results of votes cast	N/A	48 hours after the polls close

§§ 22 & 23 — Interruptions to Canvassing

Prior law (1) required election officials to canvass the returns immediately after the polls closed and (2) prohibited them from stopping until the canvass was complete. The act creates an exception to these provisions by allowing the canvass to be temporarily interrupted after the moderator transmits the preliminary list to the secretary of the state.

During the interruption, the moderator must:

1. return all tabulator keys to the registrars;
2. seal the tabulators against voting or tampering;
3. prepare and seal individual envelopes for write-in ballots; absentee ballots; moderator returns; and other notes, worksheets, or written materials used at the election; and
4. store the tabulators and envelopes in a secure place as directed by the registrars.

When the temporary interruption is over, the moderator must prepare to complete the canvass by (1) retrieving the keys, tabulators, and envelopes and (2) breaking the seals.

§ 27 — Meeting to Correct Returns in Multi-District Towns

By law, head moderators, town clerks, and registrars in towns divided into voting districts must meet to identify any errors in the election night returns previously submitted to the secretary (i.e., the “duplicate list”). The act requires these officials to meet no later than 9:00 a.m. on the third day, rather than the seventh day, after a regular state election to identify errors. The moderators must correct any errors and file an amended return with the secretary and registrars no later than 1:00 p.m. on the third day, rather than the 14th day, after the election.

§§ 28 & 29 — AUDITS

The act allows the secretary of the state, in consultation and coordination with UConn, to authorize the use of electronic equipment to conduct audits for any primary or general election held on or after January 1, 2016. As of the same date, it allows registrars of voters to conduct audits electronically when authorized to do so by the secretary pursuant to the act’s provisions. Registrars must continue to conduct audits manually for any primary or election occurring before that date or for which electronic authorization has not been granted.

For the purposes of post-primary and post-election audits, “manual” means by hand and without the assistance of electronic equipment. “Electronic” means through the use of equipment authorized for that purpose by the secretary of the state.

Under the act, the secretary must prescribe the specifications for (1) testing, setting up, and operating the equipment and (2) training election officials on its use. In addition, the secretary and UConn must agree that there is enough equipment to accommodate all audits required by law (i.e., at least 10% of all voting districts). The act specifies that it does not preclude a candidate or elector from seeking additional remedies, such as bringing a complaint in Superior Court, because of information revealed by the audit process.

By law, registrars of voters must audit the results between the 15th day after an election or primary and two business days before the canvass of votes. They must follow established procedures, including requirements for providing notice and selecting voting districts.

Families assumes custody of surrendered infants.
EFFECTIVE DATE: Upon passage

§ 30 — MUNICIPAL AGREEMENTS

The act gives municipalities broad authorization to jointly perform functions required of them by state election law. Under the act, two or more municipalities may enter into an agreement to jointly perform any election function that they currently perform individually. Each agreement must (1) be negotiated and contain all provisions that the participating municipalities agree to; (2) establish a process for amending, terminating, and withdrawing from it; and (3) be submitted to each participating municipality's legislative body for approval.

The act establishes the same approval process for these agreements as the law provides for interlocal agreements (CGS § 7-339c). Specifically, before voting to ratify or reject the proposed agreement, the legislative body must provide an opportunity for public comment. For municipalities where the legislative body is the town meeting, the town meeting may vote to delegate its authority to ratify or reject a proposed agreement to the board of selectmen, provided the board affords an opportunity for public comment. Under the act, the opportunity for a public comment does not have to be a public hearing.

The act requires that the agreement be filed with each participating municipality's town clerk and the secretary of the state. The filing must occur within seven days after the last legislative body to join the agreement ratifies it.

PA 15-241—HB 5793

Government Administration and Elections Committee

AN ACT ESTABLISHING SAFE HAVEN DAY

SUMMARY: This act requires the governor to proclaim April 4 of each year as Safe Haven Day to heighten public awareness about the state's safe haven for newborns law. It allows suitable exercises to be held in the State Capitol and elsewhere as the governor designates.

Under the safe haven law, a parent or his or her lawful agent may voluntarily surrender custody of an infant 30 days or younger to designated hospital staff. In situations when there is no abuse or neglect, the parent or agent is not criminally liable for abandonment or risk of injury to the child. The Department of Children and

PA 15-2—SB 399 (VETOED)

Higher Education and Employment Advancement Committee

**AN ACT CONCERNING REPORTING
REQUIREMENTS OF THE UNIVERSITY OF
CONNECTICUT AND THE BOARD OF
REGENTS FOR HIGHER EDUCATION
REGARDING FINANCIAL AID AND
REQUIRING LEGISLATIVE APPROVAL FOR
THE CLOSURE OF CERTAIN COLLEGE
CAMPUSES AND MANUFACTURING
PROGRAMS**

SUMMARY: This act prohibits the Board of Regents for Higher Education (BOR) from doing the following without the General Assembly's approval:

1. closing, authorizing the closure of, or proceeding with any closure authorized prior to the act's passage of any campus of Middlesex Community College or any other public higher education institution under BOR's jurisdiction or
2. suspending, authorizing the suspension of, or proceeding with any suspension authorized prior to the act's passage of any manufacturing program offered by Middlesex Community College or any other public higher education institution under BOR's jurisdiction.

It also prohibits Middlesex Community College or any other public higher education institution under BOR's jurisdiction from (1) closing or proceeding to close any of its campuses or (2) suspending or proceeding with any suspension authorized prior to the act's passage of its manufacturing programs, without legislative approval.

The act also requires UConn and BOR, beginning by November 1, 2015, to annually report to the Higher Education and Employment Advancement Committee on the institutional financial aid awarded to undergraduate students during the previous academic year. In general, institutional financial aid consists of aid originating from the institution and excludes federal or state financial aid students receive.

The report must, at a minimum, separately describe the following aggregate amounts for in- and out-of-state students: (1) institutional financial aid funding available, (2) need-based institutional financial aid awarded, and (3) merit-based institutional financial aid awarded.

EFFECTIVE DATE: Upon passage, except that the provisions about financial aid reporting are effective July 1, 2015.

BACKGROUND

Related Act

PA 15-231 contains identical financial aid reporting requirements.

PA 15-16—sSB 966

Higher Education and Employment Advancement Committee

**AN ACT CONCERNING SEXUAL ASSAULT
FORENSIC EXAMINERS AT INSTITUTIONS OF
HIGHER EDUCATION**

SUMMARY: This act allows sexual assault forensic examiners (SAFE) to treat sexual assault victims who are patients in a health care facility operated by a higher education institution. SAFEs may treat these patients if the health care facility is (1) licensed by the Department of Public Health (DPH) as an infirmary operated by an educational institution or as an outpatient clinic and (2) accredited by the Joint Commission or the Accreditation Association for Ambulatory Health Care (see BACKGROUND). Prior law allowed SAFEs to treat only acute care hospital patients.

The act also allows SAFEs working in higher education health care facilities, like SAFEs in acute care hospitals, to collect evidence pertaining to the investigation of any sexual assault using the State of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault (see BACKGROUND).

The act requires that SAFE services provided in a higher education health care facility, as they are under existing law in acute care hospitals, be (1) aligned with the facility's policies and accreditation and (2) pursuant to a written agreement between the health care facility and (a) DPH and (b) the Office of Victim Services, about the facility's participation in the SAFE program.

These provisions do not alter the scope of the practice of nursing established in state law.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Sexual Assault Forensic Examiners (SAFE)

SAFEs are state-licensed (1) registered nurses, (2) advanced practice registered nurses, or (3) physicians (CGS § 19a-112g).

Joint Commission

The Joint Commission is an independent, nonprofit organization that accredits and certifies more than 20,500 health care organizations and programs in the United States.

Technical Guidelines for Health Care Response to Victims of Sexual Assault

The state's Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations publishes these guidelines (CGS § 19a-112a).

PA 15-37—sSB 898

Higher Education and Employment Advancement Committee

AN ACT CONCERNING PROFESSIONAL DOCTORAL DEGREE PROGRAMS

SUMMARY: This act reassigns the authority and responsibility for providing certain doctoral programs between the UConn Board of Trustees and Connecticut State University System (CSUS) Board of Trustees. (Since 2012, the Board of Regents for Higher Education has served as the CSUS Board of Trustees.) The act (1) reiterates the exclusive responsibility of the UConn Board of Trustees to provide programs leading to research doctoral, doctor of medicine, doctor of dental medicine, and juris doctor degrees and (2) grants authority to the CSUS Board of Trustees to provide professional doctoral degree programs other than those reserved for UConn (see BACKGROUND).

The act removes from the UConn Board of Trustees the exclusive responsibility to provide post-baccalaureate professional degree programs.

It also requires the CSUS Board of Trustees to consider the following criteria when approving professional doctoral degree programs:

1. the effect the proposed program would have on the budget of the state university seeking to offer the program,
2. whether expertise in the program's subject matter currently exists at the state university,
3. current and projected accreditation standards governing the program, and
4. current and projected professional standards in the occupational field for which students would qualify for employment upon graduating from the program.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Doctoral Degrees

Research doctoral degrees, or PhDs, focus on developing new knowledge in a field of study and are primarily the purview of research universities.

Professional doctoral degrees emphasize skills, practical knowledge, and application of research to practical clinical experience.

PA 15-63—HB 6695

Higher Education and Employment Advancement Committee

AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION STATUTES

SUMMARY: This act makes technical changes to the education and higher education statutes.

EFFECTIVE DATE: Upon passage

PA 15-75—sHB 7007

Higher Education and Employment Advancement Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PLANNING COMMISSION FOR HIGHER EDUCATION

SUMMARY: This act requires the state, Board of Regents of Higher Education (BOR), and UConn Board of Trustees (BOT) to align their higher education policies with the goals of the Planning Commission for Higher Education's ("Planning Commission," see BACKGROUND) strategic master plan for higher education. These goals aim to:

1. increase the education levels of the state's adult population,
2. develop a globally competitive workforce and economy in the state, and
3. ensure higher education affordability for state residents.

It also requires the Higher Education Coordinating Council (HECC, see BACKGROUND) to use these goals when developing accountability measures for public higher education institutions. HECC must use the measures to assess each institution's progress toward meeting strategic master plan goals.

The act also requires the Planning Commission, in collaboration with the Office of Policy and Management (OPM), to establish working groups and consult with any existing working groups, commissions, or task forces to investigate and offer specific objectives identified by the Planning Commission or OPM. Such objectives include outcomes-based funding (see

BACKGROUND) and workforce development.

The act also makes numerous technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

POLICY ALIGNMENT

The act requires the state, BOR, and UConn’s BOT to align their policies with the three recommended goals of the Planning Commission’s strategic master plan.

The first goal aims to increase the education levels of the state’s adult population by January 1, 2025, with a target of at least (1) 40% of adults having earned a bachelor’s degree and (2) 30% of adults having earned an associate degree or sub-baccalaureate certificate. Under the act, a “sub-baccalaureate certificate” is a postsecondary award that a student earns after completing a formal postsecondary program below the baccalaureate level on a for-credit basis. The purpose of this goal is to ensure that the state’s workforce has the skills to achieve and sustain a competitive economy through (1) reducing socioeconomic disparities and the achievement gap between whites and minorities, (2) improving the lives of residents in the state’s most urbanized areas, and (3) ensuring improvement in the quality of postsecondary education.

The second goal seeks to develop a globally competitive workforce and economy in Connecticut by cultivating an environment that attracts and retains a highly educated, diverse population. The act lists various ways to accomplish this goal, including:

1. aligning postsecondary degree attainment with Connecticut employers’ workforce needs;
2. contributing to the expansion and diversification of the state’s economy through research and innovation;
3. establishing partnerships among higher education institutions and state business, civic, and cultural leaders; and
4. increasing the number of students engaged in community service, internships, and other workplace-based learning experiences.

The third goal aims to ensure that higher education is affordable for Connecticut residents by:

1. narrowing the gap between the cost of attending a higher education institution and family income;
2. reducing the average student loan to the national average by January 1, 2025; and
3. increasing by 5%, by January 1, 2025, the number of recent Connecticut high school graduates enrolled in Connecticut higher education institutions.

BOR

The act requires the BOR president to implement Planning Commission strategic master plan goals. It also narrows many BOR duties prescribed by law from a statewide to a BOR institution-specific scale. Prior law required BOR to establish or prepare statewide higher education (1) general policies and guidelines, (2) master plans, (3) tuition and fee policies, (4) budgets, (5) legislative proposals, (6) central information system design and data requirements, (7) program reports to the Office of Higher Education, and (8) studies or activities to benefit public higher educational interests. The act limits these duties to focus on only BOR institutions (i.e., the Connecticut State Universities, regional community-technical colleges (CTC), and Charter Oak State College), rather than the entire state public higher education system. It also requires that the Connecticut State University System institutions and the regional CTCs continue providing BOR with data, reports, and other information. Under the act, this requirement does not apply to UConn.

The act also eliminates (1) BOR’s obligation to notify the board of trustees of an institution under its jurisdiction about the proposed termination of an academic program, (2) the board of trustees’ right to reject termination, and (3) BOR’s right to override such rejection by a two-thirds vote.

Additionally, the act eliminates several BOR obligations under prior law and replaces them with ones related to implementing Planning Commission strategic master plan goals. Table 1 describes the eliminated provisions and the corresponding new ones.

Table 1: Revised BOR Obligations

<i>Prior Law</i>	<i>Act</i>
Review and make recommendations on plans received from BOR institution boards of trustees for continuing development and maximum use of state public higher education resources	Review and make recommendations on plans received from BOR institutions to implement Planning Commission strategic master plan goals
Appoint advisory committees to help define and suggest solutions for higher education’s problems and needs	Appoint advisory committees to study methods and proposals to coordinate efforts of BOR’s public higher education institutions, along with UConn and private colleges and universities, to implement Planning Commission strategic master plan goals
Establish a higher education advisory council of public and private institutions to study methods and proposals to coordinate institutional efforts, including ways to improve educational opportunities through alternative and nontraditional approaches	

<i>Prior Law</i>	<i>Act</i>
Coordinate programs and services throughout public higher education and between public and independent institutions	Coordinate programs and services among BOR institutions

The act also adds two new obligations that BOR must fulfill: (1) evaluate ways to implement Planning Commission goals and recommendations and (2) assess opportunities for collaborating with UConn and private colleges and universities to implement Planning Commission strategic master plan goals.

UConn BOT

The act requires that UConn's mission statement and general university policies be consistent with Planning Commission strategic master plan goals.

ACCOUNTABILITY MEASURES

The act preserves the requirement that BOR and UConn's BOT use HECC accountability measures, but it instructs them to use these measures to assess their institutions' progress toward meeting Planning Commission strategic master plan goals, rather than the following:

1. enhancing student learning and promoting academic excellence,
2. joining with elementary and secondary schools to improve teaching and learning at all levels,
3. ensuring access to and affordability of higher education,
4. promoting Connecticut's economic development to help business and industry sustain strong economic growth,
5. responding to the needs and problems of society, and
6. ensuring the efficient use of resources.

The act eliminates HECC's duty to develop an implementation plan for using its accountability measures.

It also requires HECC to consider Planning Commission strategic master plan goals and any other factors it deems relevant when developing accountability measures. It removes the following factors required for consideration under prior law:

1. graduation and student retention rates;
2. completions;
3. tuition and fees;
4. allocation of resources across expenditure functions, as defined by the National Association of College and University Business Officers;
5. revenues and expenditures broken out by programs;

6. student financial need and available aid;
7. student transfer patterns;
8. enrollment trends and the percentage of incoming students who are state residents;
9. strategic plans to ensure racial and ethnic diversity;
10. data on graduates, including age, by academic and noncredit vocational course and program; and
11. faculty productivity.

The act requires HECC to submit the accountability measures to the UConn BOT for approval, in addition to BOR as required under prior law. Once the measures are approved by both BOT and BOR, UConn must then provide to BOT, rather than BOR, any data necessary for applying the accountability measures. As under prior law, BOR institutions must provide such data to BOR.

Additionally, the act requires UConn to submit an accountability report to the Higher Education and Employment Advancement Committee annually by February 1. This report must contain (1) HECC accountability measures for the university, (2) updated baseline and peer comparison data, (3) performance targets for each measure, and (4) other information as determined by UConn's president.

The act specifies that only institutions under BOR's jurisdiction must submit individual accountability reports to the BOR president. It requires these submissions by December 1, rather than November 1 as under prior law. It also requires the BOR president to compile these reports and submit a consolidated accountability report to the Higher Education and Employment Advancement Committee annually by the following February 1, rather than December 1 as prior law required. By law, the consolidated report must contain the same information as UConn's report described above.

BACKGROUND

Planning Commission for Higher Education

The commission develops and ensures the implementation of a strategic master plan for higher education. The plan must address degree attainment, the number of people entering the workforce, and the achievement gap. The plan must provide specific strategies for meeting these goals and consider the impact of education trends on higher education in Connecticut (CGS § 10a-11b).

Higher Education Coordinating Council

This council meets annually and consists of the two BOR vice-presidents, OPM secretary, education commissioner, UConn president, UConn chief academic

officer, UConn BOT chairperson, BOR chairperson, and BOR president.

By law, the council must (1) identify, examine and implement savings in administrative functions carried out by the higher education system, including methods to simplify and reduce duplication in the administrative functions of each constituent unit, and (2) develop accountability measures for each constituent unit and each public institution of higher education (CGS § 10a-6a).

Outcomes-Based Funding

Outcomes-based funding (i.e., performance-based funding) is a type of state funding model for higher education that aligns with state goals and priorities. It allocates state funds to institutions based on performance indicators such as course completion, time to degree, transfer rates, number of degrees awarded, and number of low-income and minority graduates.

PA 15-78—sHB 6118 (VETOED)

Higher Education and Employment Advancement Committee

AN ACT CONCERNING STUDENT MEMBERSHIP ON THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF CONNECTICUT

SUMMARY: This act increases the number of student-elected UConn Board of Trustee members from two to four, thereby increasing the total number of board members from 21 to 23.

Under existing law, one undergraduate and one graduate student trustee serve staggered two-year terms on the board. The act requires UConn students to elect two additional student trustees by July 1, 2016. Undergraduates must elect one additional full-time undergraduate to serve a two-year term beginning July 1, 2016. Students from the School of Law, School of Medicine, School of Dentistry, School of Social Work, and graduate students from a UConn school or college must elect one additional graduate student to serve a one-year term beginning July 1, 2016.

The act requires that subsequent student trustees serve staggered two-year terms beginning July 1 of their respective election years. Under the act, one undergraduate and one graduate student are elected in odd-numbered years, and the other two student trustees are elected in even-numbered years.

The act also eliminates a requirement that all student trustees be enrolled as full-time students at the time of their election; however, it maintains existing law's requirement that the students be enrolled full-time for the duration of their term.

The act also makes various technical changes.

EFFECTIVE DATE: Upon passage

PA 15-82—HB 6844

Higher Education and Employment Advancement Committee

AN ACT CONCERNING IN-STATE TUITION ELIGIBILITY

SUMMARY: This act reduces, from four to two, the number of years of high school education that certain students must complete in Connecticut to receive in-state tuition benefits at the state's public higher education institutions.

The act also extends in-state tuition eligibility to nonimmigrant aliens who, as specified in federal law, (1) are human trafficking victims or (2) have suffered substantial physical or mental abuse as a result of certain criminal activity (8 USC § 1101(a)(15)(T-U)). Such individuals must meet the requirements described below. Under prior law, no nonimmigrant aliens were eligible for in-state tuition. (A nonimmigrant alien is a person with a visa permitting temporary entrance to the U.S. for a specific purpose.)

By law, with limited exceptions, eligibility for in-state tuition is based on an applicant's domicile, which is his or her "true, fixed and permanent home" and the place where he or she intends to remain and return to when he or she leaves (CGS § 10a-28). One of the exceptions allows a person to qualify for in-state tuition if he or she:

1. resides in Connecticut (i.e., maintains a continuous and permanent physical presence, except for short, temporary absences);
2. attended an in-state educational institution and completed at least two years of high school in Connecticut (prior law required four years);
3. graduated from a high school or the equivalent in Connecticut; and
4. is registered as an entering student, or is currently a student at, UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

Students without legal immigration status who meet the above criteria must file an affidavit with the institution stating that they have applied to legalize their immigration status or will do so as soon as they are eligible.

EFFECTIVE DATE: July 1, 2015

PA 15-111—SB 859 (VETOED)*Higher Education and Employment Advancement Committee***AN ACT CONCERNING PROGRAM APPROVAL FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION**

SUMMARY: This act exempts certain nonprofit independent higher education institutions from the Office of Higher Education's (OHE) approval process for new or revised academic programs. It exempts institutions that (1) are eligible to participate in federal student aid programs and (2) have been located in Connecticut and accredited as degree-granting institutions for at least 10 years by a regional accrediting association recognized by the U.S. education secretary. (In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from this process.) The act specifies that teacher education programs remain subject to the State Board of Education's regulatory authority.

The act requires exempt institutions to annually file with OHE a list and brief description of any new programs introduced and existing programs discontinued in the preceding academic year. It does not establish a deadline for filing this list.

By law, non-exempt, independent higher education institutions seeking to offer a new academic program must receive approval from OHE. A public higher education institution must have its new academic programs approved by the institution's governing board (i.e., the UConn Board of Trustees or the Board of Regents for Higher Education).

EFFECTIVE DATE: July 1, 2015

PA 15-200—HB 6907*Higher Education and Employment Advancement Committee***AN ACT CONCERNING THE DUTIES AND AUTHORITY OF THE CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY**

SUMMARY: This act allows the Connecticut Higher Education Supplemental Loan Authority (CHESLA) to issue loans to certain borrowers to refinance certain public or private student loans, including CHESLA loans. It appears to similarly allow Connecticut higher education institutions to issue refinancing loans. The act prohibits refinancing loans from exceeding the outstanding aggregate principal amount of the original loan, less other forms of student assistance. It allows CHESLA to establish guidelines, criteria, and procedures for issuing refinancing loans.

By law, CHESLA may issue tax-exempt bonds backed by the authority's revenues. The act additionally allows CHESLA to issue taxable revenue bonds, including bonds that are eligible for federal tax credits, exemptions, or payments. Before issuing the bonds, CHESLA must find that issuance is necessary, in the public interest, and in furtherance of the authority's powers and purposes. (Under the federal Internal Revenue Code, tax-exempt bonds cannot be used to refinance student loans.)

Under the act, CHESLA must incorporate information about refinancing loans (e.g., number of applications received, number of students assisted) in its annual report. By law, CHESLA must provide the report to its board of directors, the governor, the auditors of public accounts, and the Education and Finance, Revenue and Bonding committees (CGS § 10a-240).

The act also (1) allows CHESLA to issue education grants, (2) revises the membership criteria of CHESLA's board of directors, and (3) requires the board chairperson to report to the Banking and Higher Education and Employment Advancement committees on the authority's progress toward (a) targeting lending to individuals with a demonstrated financial need and (b) effectively serving the highest number of such individuals.

Finally, the act makes technical and conforming changes (e.g., by amending the definitions of "borrower" and "education loan").

EFFECTIVE DATE: July 1, 2015, except that the provision requiring a report to the legislature is effective upon passage.

REFINANCING LOANS

The act allows CHESLA to issue loans to certain borrowers to refinance student loans (i.e., "eligible loans"). Under the act, an "eligible loan" is a loan that is in repayment that was made (1) by CHESLA or (2) to a "borrower" by any other private or governmental lender to finance attendance at a higher education institution. A "borrower" is:

1. someone with an outstanding CHESLA loan,
2. an individual who (a) attends a Connecticut higher education institution or resides in the state and (b) received or agreed to pay an "education loan," or
3. a parent who received or agreed to pay an "education loan" on behalf of a student who attends a Connecticut higher education institution or resides in the state.

An "education loan" is a loan to a (1) student in or from Connecticut, or a parent of the student, to finance attendance at a higher education institution or (2) "borrower" to refinance one or more "eligible loans."

By law, higher education institutions in Connecticut may issue “education loans” using proceeds from CHESLA (CGS § 10a-241). Because the act expands the definition of “education loan” to include refinancing loans, it appears to similarly authorize Connecticut higher education institutions to issue refinancing loans.

EDUCATION GRANTS

The act allows CHESLA to issue education grants, which it defines as grants, scholarships, fellowships, or other nonrepayable assistance awarded (1) by CHESLA to a student currently residing in Connecticut to finance his or her attendance at a Connecticut higher education institution or (2) by or on behalf of such an institution to a student from Connecticut from the proceeds of funds provided by CHESLA. The act allows CHESLA to establish guidelines, criteria, and procedures for issuing education grants.

BOARD OF DIRECTORS

By law, CHESLA is governed by a nine-member board of directors. Under prior law, two of the members had to be (1) active or retired trustees, directors, officers, or employees of Connecticut higher education institutions and (2) members of the Connecticut Health and Educational Facilities Authority’s (CHEFA) board of directors. The act eliminates the requirement that these CHESLA board members also be members of CHEFA’s board. It instead requires that they be Connecticut residents and appointed by the CHEFA board.

Under prior law, these members served on CHESLA’s board (1) for as long as they were on the CHEFA board or (2) until a successor was appointed. Under the act, they serve six-year terms. By law, the CHESLA board also consists of (1) two other appointed members, who serve six-year terms, and (2) five ex-officio members.

REPORT TO LEGISLATURE

The act requires the chairperson of CHESLA’s board of directors, by February 1, 2016, to report to the Banking and Higher Education and Employment Advancement committees on the authority’s progress toward (1) targeting lending to individuals with a demonstrated financial need and (2) effectively serving the highest number of these individuals. The chairperson must appear before the committees to present the report at a time they prescribe.

The report must address CHESLA’s progress toward:

1. lowering the interest rate on CHESLA education loans by, among other things, making equity contributions to its bond transactions using available funds from the Connecticut Student Loan Foundation;
2. increasing the maximum allowable debt-to-income ratio accepted by CHESLA for education loans;
3. offering need-based scholarships; and
4. deferring repayment of CHESLA education loans while the borrower (or borrower’s child if the borrower is a parent) is enrolled full- or part-time in a graduate program.

PA 15-228—sHB 6812

Higher Education and Employment Advancement Committee

AN ACT PERMITTING FACULTY TO ATTEND EXECUTIVE SESSIONS OF THE BOARD OF REGENTS FOR HIGHER EDUCATION UPON INVITATION

SUMMARY: This act allows the chairperson and vice-chairperson of the Board of Regents for Higher Education’s (BOR) faculty advisory committee, who serve as nonvoting, ex-officio members of BOR, to attend BOR executive sessions at the board chairperson’s invitation. Prior law excluded them from all executive sessions.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Executive Session

An executive session is a public agency’s meeting that is closed to the public for the purpose of discussing:

1. the appointment, employment, performance, evaluation, health, or dismissal of a public officer or employee;
 2. pending claims or litigation to which a public agency or member is a party;
 3. security strategy, deployment of security personnel, or public security devices;
 4. the selection of a site or the lease, sale, or purchase of real estate by the state or a political subdivision, when public discussion could cause a price increase prior to the final transaction; or
 5. any matter that would disclose information in public records that are not subject to the Freedom of Information Act (CGS § 1-200 (6)).
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PA 15-231—sSB 393*Higher Education and Employment Advancement Committee***AN ACT REQUIRING A REPORT CONCERNING INSTITUTIONAL FINANCIAL AID FROM THE UNIVERSITY OF CONNECTICUT AND THE BOARD OF REGENTS FOR HIGHER EDUCATION**

SUMMARY: This act requires UConn and the Board of Regents for Higher Education, beginning by November 1, 2015, to annually report to the Higher Education and Employment Advancement Committee on how they awarded institutional financial aid to undergraduates in the previous academic year. At a minimum, the report must describe, separately for in-state and out-of-state students, the aggregate amount of institutional (1) financial aid funding available, (2) need-based financial aid awarded, and (3) merit-based financial aid awarded.

Generally, institutional financial aid consists of aid originating from the institution and excludes federal or state financial aid.

EFFECTIVE DATE: July 1, 2015

The act also makes two changes to the committee's leadership. Prior law required committee members to elect their own chairperson and vice-chairperson to serve two-year terms; one had to be a CSUS member, and the other had to be a CTC member. Under the act, one must be from CTC, and the other must be from either CSUS or Charter Oak State College. Additionally, the act reduces each officer's term from two years to one year.

EFFECTIVE DATE: July 1, 2015

PA 15-248—SB 1091*Higher Education and Employment Advancement Committee***AN ACT CONCERNING THE STUDENT ADVISORY COMMITTEE TO THE BOARD OF REGENTS FOR HIGHER EDUCATION**

SUMMARY: This act staggers the terms of student advisory committee members for the Board of Regents for Higher Education (BOR). By law, this committee consists of one student from each institution in the Connecticut State University System (CSUS) (four total), one from each regional community-technical college (CTC) (12 total), and one member from Charter Oak State College.

Under prior law, each member served two years. The act requires six of the CTC and two of the CSUS members to serve only one year for the term beginning July 1, 2015. The student members whose terms expire on or before June 30, 2015 must select these eight members. Beginning July 1, 2016, these eight members must serve two-year terms that expire in even-numbered years. The remaining nine student members continue to serve two-year terms that expire in odd-numbered years.

PA 15-29—SB 891
Housing Committee
Judiciary Committee

**AN ACT CONCERNING ADMINISTRATIVE
 HEARINGS CONDUCTED BY THE
 DEPARTMENT OF HOUSING**

SUMMARY: PA 13-234 transferred, from the Department of Social Services (DSS) to the Department of Housing (DOH), certain housing programs under which individuals denied program benefits could request an administrative hearing. This act establishes the same hearing and appeals procedures for DOH as existing law does for DSS. By law, the DOH programs in which individuals may request a hearing are the (1) Rental Assistance Program (RAP), (2) Transitional Rental Assistance Program (T-RAP), and (3) Security Deposit Guarantee Program.

Statutes governing RAP and T-RAP previously required that hearings for these programs follow the Uniform Administrative Procedure Act (UAPA) (CGS § 4-176e et seq.). The act instead requires that these hearings follow its procedures. By practice and regulation, hearings for the Security Deposit Guarantee Program already follow the act's procedures (Conn. Agencies Regs. § 17b-802-12).

EFFECTIVE DATE: October 1, 2015

HEARING AND APPEALS PROCEDURES

The act sets the same hearing and appeals procedures for DOH as existing law sets for DSS. Generally, this means that:

1. an aggrieved person, or his or her conservator, must apply for a hearing within 60 days after the commissioner's decision;
2. the commissioner must (a) provide the aggrieved person at least 10 days' notice of the hearing date, time, and location, and (b) hold the hearing within 30 days after receiving the application;
3. the commissioner or hearing officer must render a final decision no later than 60 days after the hearing;
4. DOH must take final administrative action on the matter within 90 days after the hearing request;
5. a person aggrieved by the department's final decision may appeal under the UAPA (generally, under the UAPA, aggrieved parties have 45 days to appeal final agency decisions to Superior Court);
6. an aggrieved person who fails to timely appeal to Superior Court may petition the commissioner in writing for an extension; and

7. the commissioner may consider petitions received within 90 days after the final decision and extend the UAPA's appeals deadlines for good cause.

PA 15-153—sHB 6138
Housing Committee

**AN ACT CONCERNING RESIDENCE MOBILITY
 COUNSELING FOR SUBSIDIZED HOUSING**

SUMMARY: This act requires the Department of Housing (DOH) to establish a residence mobility counseling program to help certain individuals and families relocate to higher opportunity areas through education and support services. It defines "opportunity areas" as those designated as such using opportunity mapping analysis that incorporates a census tract-level assessment of educational, economic, and neighborhood characteristics, including education data and crime rates.

Under the act, DOH must (1) operate the program within existing resources and (2) make the opportunity mapping analysis available on its website. The department may contract with nonprofit organizations to provide the mobility counseling. Eligible individuals and families are those who currently hold federal Housing Choice (Section 8) vouchers or state Rental Assistance Program certificates. The counseling must at least:

1. provide information on communities, schools, employment opportunities, and services in various areas;
2. help locate rental housing that meets the individual's or family's needs;
3. facilitate relocation by negotiating with (a) current landlords about transferring rental assistance certificates or vouchers and (b) new landlords about security deposits, rental payments, and accepting certificates or vouchers; and
4. connect the individual or family and the landlord to ensure a successful transition and housing stability.

The act requires DOH to include information on the mobility counseling program in its annual activity report to the legislature and governor. By law, the report is due by March 31.

EFFECTIVE DATE: October 1, 2015

PA 15-36—SB 893

Human Services Committee

AN ACT EXTENDING COST REPORTING DEADLINES FOR LONG-TERM CARE FACILITIES

SUMMARY: This act extends, from December 31 to February 15, the annual deadline for long-term care facilities to submit fiscal year (ending September 30) cost reports to the Department of Social Services (DSS). DSS uses the reports to establish per diem rates for facilities caring for Medicaid-eligible residents. The department may reduce rates by up to 10% for failure to submit complete and accurate reports by the deadline.

The act also extends, from February 15 to April 1, the annual date by which DSS must report the data in the reports to the Appropriations Committee.

EFFECTIVE DATE: July 1, 2015

PA 15-50—SB 1022

Human Services Committee

AN ACT CONCERNING REQUIREMENTS FOR FACILITIES THAT COMPLETE MEDICARE OR MEDICAID APPLICATIONS FOR PATIENTS

SUMMARY: This act entitles patients of nursing homes, residential care homes, and chronic disease hospitals, or their designated representatives, to receive a copy of any Medicare or Medicaid application completed by such a facility on their behalf. It adds this right to the patients’ bill of rights.

Under state and federal law, nursing homes and other such facilities must fully inform patients of their rights and give each patient a copy of a document that lists them (called the “patients’ bill of rights”). By law, a facility that negligently deprives a patient of any of these rights is liable to the patient for any resulting injuries. If the deprivation is willful or reckless, the facility may also be assessed for punitive damages.

EFFECTIVE DATE: July 1, 2015

PA 15-69—sHB 6946

Human Services Committee

AN ACT CONCERNING HUSKY PROGRAMS

SUMMARY: This act makes numerous substantive, technical, and conforming changes to statutes related to the Department of Social Services’ (DSS) HUSKY programs. By law, DSS must provide medical assistance in accordance with the state Medicaid plan, the state Children’s Health Insurance Program, and federal law.

Among other things, the act creates the term “HUSKY Health” to refer to HUSKY A, HUSKY B, HUSKY C, and HUSKY D and makes a number of conforming changes. The act:

1. expands the definition of HUSKY A, which provides Medicaid to children, caretaker relatives, and pregnant women, to conform to federal law and agency practice by including postpartum women;
2. makes several changes to HUSKY B, the state children’s health insurance program (S-CHIP);
3. defines HUSKY C as Medicaid provided to individuals who are age 65 or older or who are blind or have a disability, conforming to agency practice; and
4. defines HUSKY D or Medicaid Coverage for the Lowest Income Populations program as Medicaid provided to nonpregnant low-income adults who are age 18 to 64, conforming to agency practice.

The act makes several changes to conform to current DSS practice on federal Affordable Care Act (ACA) requirements for income eligibility determinations, household definitions, and presumptive eligibility.

The act eliminates requirements for DSS to publish notice of intent to adopt regulations on various topics in the *Connecticut Law Journal*, and instead requires DSS to publish such notice on its website and the eRegulations system. This conforms to existing law (CGS § 4-168) and current practice.

Lastly, the act eliminates obsolete references to the single point of entry servicer used when Medicaid programs were offered through a managed care delivery system. ACA requirements related to interaction between states’ Medicaid eligibility determinations and health insurance exchanges made many of these provisions obsolete.

EFFECTIVE DATE: Upon passage, except two technical changes are effective July 1, 2016 (§§ 11 & 23).

§§ 17, 25, 26, 27, & 45 — MAGI RULES

The ACA requires state Medicaid agencies (e.g., DSS) to use a Modified Adjusted Gross Income (MAGI) methodology to determine eligibility for several Medicaid coverage groups. DSS has been phasing in MAGI methodology since expanding Medicaid in 2010. For coverage dates beginning January 1, 2014, the act requires DSS to use MAGI eligibility rules to determine eligibility for HUSKY A, B, and D. The act codifies DSS practices consistent with federal law regarding MAGI eligibility rules and federal definitions.

Thus, to conform to federal law and current agency practice, the act adjusts program income limits in order to convert to the MAGI rules, which do not include as many income disregards (see BACKGROUND). The act adjusts the income limits for (1) medical assistance for those age 19 and under and their parents or caretaker relatives, (2) subsidized HUSKY B coverage for children, (3) unsubsidized HUSKY B coverage for children, (4) the federal poverty level (FPL) below which the HUSKY Plus program gives priority, and (5) the FPL above which DSS may impose a premium requirement for HUSKY B. (PA 15-5, June Special Session, § 374, eliminates unsubsidized HUSKY B coverage.)

To conform to federal law and agency practice, the act adopts the federal definition of “household” and “household income” in place of “family” for purposes of eligibility determinations (see BACKGROUND).

§ 45 — ELIGIBILITY FOR OTHER PROGRAMS

The act eliminates a requirement that DSS, when redetermining eligibility for HUSKY A and B, also determine eligibility for supplemental nutrition assistance, a child care subsidy program, and benefits under any other DSS-administered program. Federal regulations require DSS, for those Medicaid groups whose eligibility is determined through MAGI rules, to redetermine eligibility without requiring additional information from the applicant if possible, which may preclude determining eligibility for additional programs (42 CFR § 435.916).

§§ 20 & 25 — PRESUMPTIVE ELIGIBILITY

Hospitals

To conform to federal regulations, the act allows qualified hospitals to determine presumptive Medicaid eligibility. It requires them, when making such a determination, to assist individuals with completing and submitting their Medicaid applications (see BACKGROUND). DSS must provide Medicaid during a presumptive eligibility period to those determined eligible by a qualified hospital.

Qualified Entities

By law, DSS must establish standards and procedures to designate qualified entities that may grant presumptive eligibility for HUSKY A and HUSKY B. Prior law required qualified entities to ensure that a completed application for benefits was submitted to DSS when making a presumptive eligibility determination. The act instead requires them to provide assistance to applicants with completion and submission of the application.

By law, DSS must provide qualified entities with necessary forms for HUSKY A applications and information on how to help parents, guardians, and others complete and file such forms. As an alternative to providing forms, the act allows DSS to provide the entities with information on filing an application electronically.

§§ 12, 18, 20, 29, 38, & 45 — HUSKY HEALTH

Under the act, HUSKY Health is the combined HUSKY A, HUSKY B, HUSKY C, and HUSKY D programs that provide medical coverage to eligible children, parents, relative caregivers, people age 65 or older, individuals with disabilities, low-income adults, and pregnant women. The act expands HUSKY A, which provides Medicaid to children, caretaker relatives, and pregnant women, to also include postpartum women, conforming to federal law and current agency practice (see BACKGROUND). (PA 15-5, June Special Session, § 370, decreases HUSKY A coverage for nonpregnant adults.)

The act defines (1) HUSKY C as Medicaid provided to people who are age 65 or older or who are blind or have a disability and (2) HUSKY D or “Medicaid Coverage for the Lowest Income Populations” program as Medicaid provided to nonpregnant low-income adults who are age 18 to 64.

The act replaces references to HUSKY programs throughout the statutes with HUSKY Health. It removes explicit references to Medicaid funded programs not included in HUSKY Health from (1) the Behavioral Health Partnership and (2) a requirement that DSS provide coverage for isolation care and emergency services provided by the state’s mobile field hospital. It appears that these are conforming changes, as in practice, DSS considers other Medicaid programs (including programs administered through waivers) to be included in HUSKY Health. Similarly, the act also removes an explicit reference to Medicaid from the animal population control program’s determination of low-income status. (The program provides sterilization and vaccination services to dogs and cats owned by low-income individuals.) But, by law, the agriculture commissioner may designate other public assistance programs to be included in this determination.

Prior law required the state Department of Education to establish procedures to allow applicants for free and reduced price meals under the National School Lunch Program to apply for HUSKY A and HUSKY B. The act expands this requirement to also include HUSKY C and D.

Outreach

The act eliminates a requirement that DSS develop mechanisms to increase outreach and maximize enrollment of eligible children and adults in HUSKY A and HUSKY B, and report annually on the implementation and results of these outreach programs. The act also eliminates related provisions including (1) a requirement that DSS contract with severe need schools and community-based organizations to, among other things, distribute applications and information on enrolling in HUSKY A and HUSKY B and (2) a requirement that DSS consult with the Latino and Puerto Rican Affairs Commission, the African-American Affairs Commission, and representatives from minority community-based organizations to develop and implement outreach efforts to increase enrollment of medically underserved children and adults. In practice, outreach activities conducted through the ACA may target these groups.

§ 20 — DURABLE MEDICAL EQUIPMENT

To conform to agency practice, the act defines durable medical equipment as equipment that:

1. can withstand repeated use,
2. is primarily and customarily used to serve a medical purpose,
3. generally is not useful to a person in the absence of an illness or injury, and
4. is nondisposable.

This definition replaces an erroneous federal reference, which presumably referred to a federal definition that included iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home (including certain institutions) whether furnished on a rental basis or purchased, and also included blood-testing strips and blood glucose monitors for individuals with diabetes (42 USC § 1395x(n)).

§§ 17, 20, 25, 26, & 45 — HUSKY B

State Plan

DSS provides HUSKY B services through S-CHIP, a federal program. Prior law required DSS to submit revisions to the S-CHIP plan to the Appropriations, Human Services, Insurance, and Public Health committees for approval, denial, or modification. The act eliminates this requirement. By law, and in practice, the Council on Medical Assistance Program Oversight (MAPOC) advises DSS on, among other things, the planning and implementation of the health care delivery system for HUSKY B.

Eligible Beneficiary

In addition to converting income limits for eligibility to conform to MAGI rules, the act changes eligibility requirements by redefining “eligible beneficiary” for HUSKY B. The act removes an exclusion for certain children of municipal employees who are eligible for employer-sponsored insurance beginning October 30, 1997. Federal law excludes, with certain exceptions, children of families who are eligible for health benefits coverage under a state health benefits plan based on a family member's employment with a public agency.

The act eliminates the term “enrollee” to describe eligible beneficiaries who receive HUSKY B services and instead defines “member” as an eligible beneficiary who receives services under HUSKY A, B, C, or D, although “eligible beneficiaries” under law unchanged by the act only refers to children receiving HUSKY B benefits.

HUSKY Plus

By law, HUSKY Plus provides supplemental health coverage for HUSKY B members whose needs cannot be accommodated within HUSKY B's basic benefit package. Under prior law, HUSKY Plus was two programs: one providing coverage for HUSKY B recipients with intensive physical needs and one providing coverage for such recipients with intensive behavioral health needs. The act eliminates the HUSKY Plus program for behavioral health. In practice, DSS has instead been providing behavioral health services through the Behavioral Health Partnership since 2006.

The act eliminates a requirement that DSS report annually to the governor and the General Assembly on the HUSKY Plus Programs.

Other Coverage

The act eliminates a requirement that DSS review HUSKY B applications to determine whether applicants or their employers have discontinued employer-sponsored dependent coverage in order to qualify for HUSKY B, and disapprove such applications in certain cases. The act instead requires, in cases where a HUSKY B member has limited benefit insurance coverage for services also covered under HUSKY B, DSS to require the other coverage to pay for the goods or services before any HUSKY B payment.

Referrals to the Exchange

Under prior law, DSS had to provide those people it determined ineligible for coverage under Medicaid-funded programs a written statement notifying them of

their ineligibility and advising them of the availability of HUSKY B. The act instead requires DSS to provide those ineligible for HUSKY Health programs a written statement notifying them of their potential eligibility for other insurance affordability programs (e.g., federal tax credits and subsidies available through the state's health insurance exchange).

BACKGROUND

Household and Household Income

Federal law generally requires state Medicaid agencies to make financial eligibility determinations based on a tax-based concept of family size and household income (i.e., MAGI-based definitions).

As of January 1, 2014, states can no longer use traditional income disregards for many Medicaid applicants. (Disregards enable applicants to have higher incomes and still qualify for assistance because states disregard a portion of the income.) Instead, states must determine eligibility based on the applicant's modified adjusted gross income, which is an individual's (or couple's) total income reported to the IRS plus tax-exempt interest and foreign earned income (42 CFR § 435.603).

Hospital Presumptive Eligibility

Federal law requires state Medicaid agencies (e.g., DSS) to provide Medicaid during a presumptive eligibility period to those determined eligible by a qualified hospital. Under federal law, a qualified hospital is one that:

1. participates as a Medicaid provider;
2. notifies the agency of its election to make presumptive eligibility determinations;
3. agrees to make such determinations consistent with state policies and procedures;
4. at the state's option, helps individuals to complete and submit the full application and understand its requirements; and
5. has not been disqualified by the agency.

Qualified hospitals may make such eligibility determinations for various groups including children, pregnant women, parents and caretaker relatives, and individuals age 19 and older. State agencies may limit such determinations to those based on income (42 CFR § 435.1110).

Medicaid Coverage of Postpartum Women

Federal law requires state Medicaid programs to provide categorical eligibility to any woman receiving Medicaid services during her pregnancy for a period

from the last day of pregnancy through the end of the month in which a 60-day period, beginning on the last day of pregnancy, ends (42 CFR § 435.170).

PA 15-71—sHB 6973

Human Services Committee

Judiciary Committee

AN ACT ADOPTING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT OF 2008

SUMMARY: This act updates Connecticut's Uniform Interstate Family Support Act (UIFSA) by incorporating 2008 revisions (1) recommended by the National Council of Commissioners of Uniform State Laws and (2) required by federal law (P.L. 113-183) to remain eligible for continued federal IV-D funding for child support enforcement (see BACKGROUND). UIFSA generally establishes rules for determining which order controls when two or more jurisdictions issue conflicting support or modification orders for the same parties. The 2008 revisions incorporate provisions from the Hague Maintenance Convention, which standardized processes for handling child support cases involving parties from different countries (see BACKGROUND).

The act repeals Connecticut's former UIFSA and replaces it with similar provisions. It makes several existing procedures for child support orders issued out-of-state or to parties residing out-of-state applicable to orders issued in a foreign country or parties residing in a foreign country. It also makes several associated conforming changes, including changes to provisions that govern child support and parentage proceedings, support services and enforcement, and income withholding (§§ 1-78 & 94). Among the other changes it makes to UIFSA, the act:

1. adds several new definitions to conform to the 2008 revisions (§ 2);
2. replaces, throughout UIFSA, references to (a) "paternity" with "parentage of a child" and (b) "family support magistrate" and "Family Support Magistrate Division (FSMD) of the Superior Court" with "tribunal";
3. broadens the state tribunals' (i.e., the Superior Court and its FSMD) authority to modify child support orders (§ 55);
4. requires tribunals to adhere to UIFSA for support proceedings involving a foreign (a) support order; (b) tribunal; or (c) resident who is an obligee, obligor, or child in the proceedings (§ 5);
5. adds provisions to UIFSA that directly address how the Superior Court and Department of Social Services' Bureau of Child Support Enforcement (BCSE) must handle (a) support

- orders issued in a country that is a Convention signatory and (b) foreign support agreements (§§ 61 – 73);
6. establishes that the BCSE and the Superior Court's Support Enforcement Services (SES) are the state's support enforcement agencies (§ 3);
 7. adds provisions to UIFSA pertaining to attorney's fees (§ 29);
 8. requires SES, in UIFSA-related proceedings, to (a) perform clerical, administrative, and other nonjudicial functions on FSMD's behalf; (b) maintain a registry of support orders and judgments; and (c) help BCSE to perform its functions when handling Convention support orders and foreign support agreements (§ 89);
 9. specifies that if the Chief Court Administrator determines that SES is neglecting or refusing to provide services to an individual, he must order the agency to perform its duties (§ 24); and
 10. specifies that the act's provisions are severable (i.e., if any provision or its application is found to be invalid, the invalidity does not affect the rest of the act) (§ 78).

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2015

§ 2 – DEFINITIONS

New Definitions

Under the act:

1. "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which concluded at the Hague on November 23, 2007;
2. "foreign country" means a country or a country's political subdivision, other than the United States, that authorizes the issuance of support orders and (a) has been declared under federal law to be a foreign reciprocating country, (b) has established a reciprocal arrangement for child support with Connecticut, (c) has enacted a law or established procedures for issuing and enforcing support orders substantially similar to UIFSA, or (d) in which the Convention is in force with respect to the United States; and
3. "foreign tribunal" means a foreign country's court, administrative agency, or quasi-judicial entity, including a competent authority under the Convention, authorized to establish, enforce, or modify support orders to determine a child's parentage.

Initiating and Responding Tribunals

The law authorizes tribunals to act as either initiating or responding tribunals in proceedings to establish, enforce, or modify support orders or to determine parentage. By law, the tribunal that requests another state's assistance is the initiating tribunal, and the tribunal that provides the assistance is the responding tribunal. To conform with the 2008 revisions, the act broadens the definition of "initiating tribunal" and "responding tribunal" to include tribunals that request assistance from or provide assistance to a foreign country.

§ 29 – ATTORNEY FEES

Under UIFSA, if a party seeking child support (obligee) prevails, a tribunal may assess, among other costs, reasonable attorney's fees against the party who must pay the support (obligor). UIFSA prohibits a tribunal from assessing the costs against the obligee, except as provided by other law. The act additionally prohibits the tribunal from assessing those costs against the support enforcement agency of the initiating or responding state or foreign country, except as provided by other law.

The act also specifies that attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in his or her name. Under the act, child support payment takes priority over those fees and other costs and expenses.

Additionally, if a tribunal determines that a hearing was requested primarily for delay, the act requires the tribunal to order the party who requested it to pay costs and reasonable attorney's fees. In non-Convention proceedings, a hearing is presumed to have been requested primarily for delay if a registered support order is conformed or enforced without change.

§§ 55, 58, & 60 – ORDER MODIFICATION

The law allows a tribunal to modify another state's child support order registered in Connecticut if (1) the parties live in Connecticut and the child (who need not live here) does not live in the state that issued the order or (2) at least one party or child lives in Connecticut and the parties consent in the issuing state to transfer the case to Connecticut. The act also allows a tribunal to modify an order it issued if one party resides in Connecticut and the other resides outside the United States.

Under the act, a party that obtains a modification must file a certified copy of the modified order with the issuing tribunal that had jurisdiction over the earlier order within 30 days after the modification is issued. A party that fails to file the certified copy is subject to

sanctions by the tribunal in which the issue of the failure to file arises. Failure to file does not affect the modified order's validity or enforceability.

In the case of a foreign child support order that is not under the Hague Convention (i.e., issued by a country that is not a signatory to the Convention), the act allows a party or support enforcement agency seeking to modify, or modify and enforce, to register the order in Connecticut if it has not already been registered. The party or agency may make a motion for modification at the same time it registers the order or at another time. The motion must specify the grounds for modification.

The act also specifies that a Connecticut tribunal retains jurisdiction to modify an order it issued if one party resides in another state and the other party resides outside the United States.

§§ 61-73 — CONVENTION SUPPORT PROCEEDINGS

Sections 61 through 73 of the act apply only to support proceedings initiated under the Convention. The act specifies that these provisions control in such proceedings even if a provision is inconsistent with another part of UIFSA.

§§ 63 & 64 — *Convention Procedures*

In a Convention support proceeding, the act gives BCSE the authority to (1) transmit and receive applications and (2) initiate or facilitate the establishment of a proceeding on an application in a tribunal in Connecticut. The act also establishes procedures for obligees and obligors to follow in Convention proceedings.

Obligee. The following procedures are available to an obligee under the Hague Convention:

1. recognition or recognition and enforcement of foreign support orders;
2. enforcement of a support order issued or recognized in Connecticut;
3. establishment of a support order if there is no existing order, including, if necessary, determination of a child's parentage; and
4. modification of a Connecticut tribunal's support order or such an order from another state's or foreign country's tribunal.

Under the Convention, obligees are also able to seek a new support order if the court refuses to recognize a foreign support order because (1) the issuing tribunal lacked personal jurisdiction and (2) the order was obtained by fraud in connection with a procedural matter.

Obligees may also seek a new support order if a court refuses to recognize a foreign order in a case in

which the respondent did not appear or was not represented in the issuing foreign country's proceedings and:

1. if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard or
2. if the law of the country does not provide for prior notice of proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on the facts or law before a tribunal.

Obligor. The following procedures are available under the Convention to an obligor under an existing support order:

1. recognition of an order suspending or limiting enforcement of an existing support order from a Connecticut tribunal and
2. modification of an order from a tribunal in Connecticut, another state, or a foreign country.

Additionally, in proceedings under the Convention, a tribunal may not require a security, bond, or deposit to guarantee payment of associated costs and expenses.

§ 65 — *Direct Requests*

Under the act, a "direct request" is a petition filed by an individual in a Connecticut tribunal proceeding involving an obligee, obligor, or child residing outside the United States.

Establishment or Modification. The act allows a petitioner to file with a tribunal a direct request seeking establishment or modification of a support order or a determination of a child's parentage. Connecticut law applies to such proceedings.

Recognition or Enforcement. A petitioner may also file a direct request seeking recognition or enforcement of a support order or agreement. UIFSA applies to such proceedings.

In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

1. a tribunal does not require a security, bond, or deposit to guarantee the payments of costs and expenses and
2. an obligee or obligor that benefited from free legal assistance in the issuing country is entitled, at least to the same extent, to any free legal assistance provided for by state law under the same circumstances.

Under the act, a petitioner filing a direct request is not entitled to assistance from BCSE.

The act's provisions pertaining to direct requests do not prevent tribunals from applying Connecticut laws that provide simplified, more expeditious rules

regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

§§ 66 & 73 — *Convention Order Registration*

An individual or a support enforcement agency seeking recognition of a Convention support order generally must register the order in Connecticut, as is the case for non-Convention orders under UIFSA.

Generally, a request for registration of a Convention support order must be accompanied by:

1. the order's complete text;
2. a record, in its original language with a certified English translation, stating that the order is enforceable in the issuing country;
3. if the respondent did not appear and was not represented in the proceeding in the issuing country, a record attesting, as appropriate, that he or she had proper notice and an opportunity to be heard either in the proceedings or in a challenge or appeal on fact or law before a tribunal;
4. records showing (a) the amount of any arrears and the information necessary to make the appropriate calculations and (b) any requirement for automatic adjustment of a support amount and the information needed to make the appropriate calculations; and
5. if necessary, a record showing any free legal assistance the applicant received in the issuing country.

A party seeking to register a Convention support order may seek recognition and partial enforcement of the order.

§ 66 — *Vacating an Order*

Under the act, a tribunal may vacate a Convention support order's registration without a party contesting it if, acting on its own motion, it finds that the order's recognition and enforcement would be manifestly incompatible with public policy.

The tribunal must promptly notify the parties of a Convention support order registration or an order vacating such registration.

§§ 67-69 — *Contesting a Registered Convention Order*

Deadline for Contesting Orders. The act gives parties contesting registered Convention support orders more time to file the contest than allowed for contesting registered non-Convention orders under UIFSA (typically within 20 days of receiving notice of registration). A party contesting a registered Convention support order must file a contest within (1) 30 days after notice of the registration or (2) 60 days after the notice

if the contesting party lives outside the United States. Under UIFSA, a party must file a contest within 20 days after notice of registration. If the nonregistering party fails to contest the order within the appropriate time period, the order is enforceable.

Grounds to Contest Order. By law, a party may contest a support order's validity on several enumerated grounds for which he or she bears the burden of proof. This includes a claim that the tribunal lacked personal jurisdiction or the order was obtained by fraud. Under the act, a party may contest a Convention support order on similar grounds in addition to grounds specific to international agreements, for which he or she has the burden of proof, such as:

1. the order's enforcement and recognition are manifestly incompatible with public policy, including the issuing tribunal's failure to observe minimum standards of due process, including notice and an opportunity to be heard;
2. the issuing tribunal lacked personal jurisdiction;
3. the order is unenforceable in the issuing country or was obtained by fraud in connection with a procedural matter;
4. a record accompanying a registration request is inauthentic or lacks integrity;
5. a proceeding between the same parties with the same purpose is pending before a tribunal and was filed first;
6. the order is incompatible with a more recent support order involving the same parties with the same purpose if the more recent order is entitled to enforcement and recognition under UIFSA;
7. the amount in arrears has been fully or partially paid;
8. if the respondent did not appear and was not represented in the proceeding in the issuing foreign country, he or she did not have proper notice and an opportunity to be heard either in the proceedings or in a challenge or appeal on fact or law before a tribunal; or
9. a tribunal modified the order even though the obligee is still a resident of the foreign country where the support order was issued and none of the act's exceptions apply.

In a Convention order contest, the tribunal (1) is bound by the factual findings on which the foreign tribunal based its jurisdiction, (2) may not review the order's merits, and (3) must promptly notify the parties of its decision.

A challenge or appeal of a Convention order does not suspend its enforcement unless there are exceptional circumstances.

Refusal to Enforce and Recognize an Order. Under prior law, a tribunal generally had to recognize and enforce a support order from another state. Under the act, a tribunal may refuse to recognize and enforce a Convention order on any of the above grounds if the contesting party meets the burden of proof.

The court may not dismiss the proceeding without providing the parties a reasonable time to request a new support order if the order is not recognized in Connecticut because:

1. the issuing tribunal lacked personal jurisdiction;
2. the order was obtained by fraud in connection with a procedural matter; or
3. the respondent did not appear in the case and was not represented in the proceeding in the issuing country, and he or she did not have proper notice and an opportunity to be heard either in the proceedings or in a challenge or appeal on fact or law before a tribunal.

Also, when a Convention order is refused on these grounds, BCSE must take all appropriate measures to request a child support order for the obligee if the bureau received an application for recognition and enforcement.

Under the act, if a tribunal does not recognize or enforce a Convention support order in its entirety, it must enforce any part of it that it can. An application or direct request may seek recognition and partial enforcement of such an order.

§ 71 – Convention Order Modification

The act prohibits a tribunal from modifying a Convention child support order if the obligee still resides in the foreign country where the order was issued, unless (1) the obligee submits to the tribunal's jurisdiction, either expressly or by defending the case on its merits without objecting to the jurisdiction at the first available opportunity or (2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify the support order or issue a new one.

§§ 61 & 70 – Foreign Support Agreements

A foreign support agreement is (1) a maintenance arrangement or authentic instrument under the Convention or (2) an agreement for support in a record that:

- a. is enforceable as a support order in the country of origin;
- b. has been either informally drawn up or registered as an authentic instrument or authenticated by a foreign tribunal, or concluded, registered or filed with a foreign tribunal; and

- c. may be reviewed and modified by a foreign tribunal.

Under the act, tribunals must generally recognize and enforce foreign support agreements registered in Connecticut. Applications or direct requests for agreement recognition must be accompanied by the agreement's complete text and a record stating that the agreement is enforceable as a support order in the issuing country.

A tribunal may only vacate the agreement's registration if, acting on its own motion, it finds that recognizing and enforcing the agreement would be manifestly incompatible with public policy.

In a foreign support agreement contest, a tribunal may refuse to recognize and enforce an agreement if it finds:

1. recognizing and enforcing the agreement is manifestly incompatible with public policy;
2. the agreement (a) was obtained by fraud or falsification or (b) is incompatible with a recognizable and enforceable support order involving the same parties and with the same purpose in Connecticut, another state, or a foreign country; or
3. the record stating that the agreement is enforceable lacks authenticity or integrity.

A proceeding for foreign support agreement recognition and enforcement must be suspended while a challenge to or appeal of the agreement is pending before another state's or country's tribunal.

§ 72 – Personal Information

Under the act, personal information gathered for Convention support proceedings may be used only for the purposes for which it was gathered or transmitted.

BACKGROUND

UIFSA

UIFSA's general purpose is to create uniform rules and procedures, simplifying child support enforcement when the parties live in different states. In some cases, its provisions supplant state laws; in others, they specify which state's procedural and substantive laws are controlling.

All states had enacted some form of UIFSA by 1998, due in part to a provision in the 1996 federal welfare law that restricted states' eligibility for matching federal child support enforcement funds to those states that had enacted it. Prior to this latest revision, UIFSA was most recently revised in 2001. Connecticut adopted most of those revisions in 2007.

IV-D Funding and P.L. 113-183

By law, in “IV-D child support cases,” BCSE provides child support enforcement services under Title IV-D of the Social Security Act to children who are the beneficiaries of temporary family assistance (TFA), Medicaid, or foster care. BCSE was established and authorized to administer the child support program mandated by Title IV-D of the Social Security Act (CGS § 46b-231(13)).

The federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) requires all states to adopt the 2008 revisions to UIFSA to remain eligible for continued federal Title IV-D funding for child support enforcement.

Hague Maintenance Convention

From June 2003 to November 2007, more than 70 countries, including the United States, met in The Hague, Netherlands, to establish a new Hague Convention on the Enforcement of Child Support and Other Forms of Family Maintenance. The Convention’s purpose was to standardize the child support processes countries follow when handling child support issues that involve parties in different countries. The United States signed the Convention on November 23, 2007, but the changes have not yet been incorporated into federal law. The Convention’s changes to child support enforcement are incorporated into the most recent revision of UIFSA.

PA 15-102—SB 862*Human Services Committee***AN ACT CONCERNING STATE PAYMENT TO CERTAIN FACILITIES FOR RESERVED BEDS**

SUMMARY: By law, the Department of Social Services may pay State Supplement Program benefits directly to licensed residential care homes or rated housing facilities on behalf of a recipient, even when the recipient is temporarily absent. This act prohibits such payments when the recipient’s bed is not otherwise available during his or her absence (e.g., if the home or facility experiences structural damage).

By law, “rated housing facilities” are (1) boarding facilities or homes licensed by the developmental services, mental health and addiction services, or children and families departments and (2) New Horizons, Inc. (a state-subsidized, independent living facility in Farmington for people with severe physical disabilities).

EFFECTIVE DATE: July 1, 2015

PA 15-115—sHB 5358*Human Services Committee***AN ACT ESTABLISHING A BILL OF RIGHTS FOR RESIDENTS OF CONTINUING-CARE RETIREMENT COMMUNITIES**

SUMMARY: This act allows residents of continuing care facilities to form residents councils, defined in the act as boards elected by residents to advocate for their rights and advise the provider on resident welfare and interests. The act also stipulates rights and entitlements for continuing care residents.

It adds to continuing care contracts (see BACKGROUND) new requirements regarding refunds, new construction, and periodic charges and fees. It also requires continuing care facility providers to give residents advance notice of major construction, ownership changes, and increases in monthly service fees.

The act decreases the amount of funds continuing care providers must keep in escrow and allows providers to use funds in accounts for mortgage loans, bond indentures, or other long-term financing in their computation of required reserve amounts for the escrow account, in certain circumstances.

It also makes several changes to required information providers must (1) file with the Department of Social Services (DSS) and (2) include in the disclosure statement a person entering into a continuing care contract must receive.

The act extends current penalties for providers that violate continuing care facility laws to also apply to providers who violate the act’s requirements on residents’ rights, residents councils, and provider communications.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2015

§§ 2 & 4 — RESIDENT PROTECTIONS

Under the act, residents of continuing care facilities are entitled to:

1. a voice in all decisions affecting their health, welfare, and financial security;
2. transparency regarding the financial stability of the provider operating the facility;
3. timely notification about developments affecting the facility, including (a) ownership changes of the provider operating the resident’s facility, (b) changes to the provider’s financial condition, and (c) facility construction and renovation;

4. independence in decisions about medical care and assisted living services; and
5. reasonable accommodations for persons with disabilities.

The act prohibits providers from infringing upon a resident's right to obtain treatment, care, and services, including home health and hospice care, from those providing health care who are not under contract or affiliated with the provider. This prohibition is subject to the provider's policies and procedures for protecting residents' health and safety.

The act stipulates that residents receiving assisted living or skilled nursing services are entitled to all rights and protections provided by law, including the right to refuse medications and treatments. It also prohibits providers from infringing on a resident's right to participate, as much as he or she is able, in decision making about permanent moves to an assisted living facility or skilled care unit. Providers must inform designated family members of the resident's medical condition and care plan.

The act requires providers to make reasonable accommodations in accordance with the federal Americans with Disabilities Act and other federal and state laws to ensure that services and notices are accessible and communicated to residents who have hearing loss, low vision, or other disabilities. (By law, these accommodations are already required.)

§§ 3, 10, & 11 — PROVIDER COMMUNICATION WITH RESIDENTS

The act requires each provider to develop a process for facilitating communication between residents and the personnel, management, board of directors, and owner of the provider. This process must include:

1. permitting residents at each facility to form a residents council and
2. allowing residents, including those who serve on a residents council, to serve as voting members of the provider's board of directors or other governing body, if that body's rules allow for resident membership and the board or governing body approves.

If the provider has no board of directors or similar governing body, or if a residents council is not established, then the provider must seek comments from residents before designing or adopting policies affecting its ability to avert financial distress. The law, unchanged by the act, defines "financial distress" as failing to meet debt service payments, drawing down on debt service reserve, or receiving a negative going concern opinion (i.e., a report from an auditor or accountant expressing doubts about the company's ability to stay in business).

Major Construction

For any major construction, modification, renovation, or expansion project, the act requires providers to (1) amend the most recently filed disclosures statement (see below) to avoid misstatements or omissions of fact and (2) give residents, individually or through the residents council, at least 120 days advance written notice. The notice must include at least: (1) a project schedule and areas to be impacted, (2) funding needed for the project, (3) financing plans, (4) the expected amount of debt to be incurred, and (5) projected income from the project.

Under the act, if the provider plans to use any incurred debt to fund a project at a location other than the facility, the provider must hold at least one meeting with residents to discuss the project and advise them in writing of any impact on their monthly service fee.

Under the act, these notice requirements do not apply to immediate renovation or construction necessary to address a public safety or health issue or natural disaster, as long as the provider gives reasonable written notice about these projects to the residents council or each resident.

Change in Ownership

The act requires a provider to notify DSS and residents at all facilities the provider operates at least three months before any changes in ownership. The act allows DSS to excuse providers from this requirement on a case-by-case basis, if reasonable written notice of the ownership change is also provided to each residents council or, if no residents council exists, to each resident.

Monthly Service Fee Increases

The act requires a provider to give residents at all facilities it operates (1) at least 30 days advance written notice of increases in any monthly service fees charged to residents, (2) an explanation for such increases and (3) an opportunity for dialogue and comments from residents concerning the increases.

Resident Satisfaction Surveys

By January 1, 2016, and at least every two years thereafter, the act requires providers to (1) conduct resident satisfaction surveys at each facility, (2) make survey results available to the facility's residents council (or to each resident if there is no council), and (3) post a copy of the results at a conspicuous location at each facility.

§§ 6, 11, & 17 — DISCLOSURE STATEMENTS AND OTHER FILINGS

Required Information

Prior law required continuing care providers to file with DSS, (1) before executing a contract, the disclosure statement that must be delivered to prospective contract holders; (2) within 150 days of the first fiscal year of operation, financial documents, including a revised disclosure statement; and (3) annual filings, including financial documents and other statistics. Prior law specified various information requirements for each filing. The act consolidates filing requirements by eliminating the annual filing requirement, adding much of its specified information to the disclosure statement, and requiring providers to file the disclosure statement with DSS annually. It also makes several changes to what information is required.

The act eliminates a requirement that the disclosure statement include (1) a summary of information filed annually with DSS that includes any anticipated excess of future liabilities over future revenues and (2) a description of how the provider plans to meet these liabilities.

Prior law required disclosure statements to include the provider's audited and certified financial statements, including a balance sheet for the end of the most recent fiscal year and income statements for the three most recent fiscal years. The act instead requires disclosure statements to include the provider's financial statements for its two most recent fiscal years. These statements must include (1) a balance sheet, income statement, and statement of cash flow and (2) associated notes or comments on these statements.

Under prior law, disclosure statements also included pro forma annual income statements for the facility for the next five years. The act instead requires pro forma cash flow statements for the next three years and a summary of projections used in the assumptions for these statements. Prior law required a provider's annual filings to include, among other things, (1) anticipated resident turnover rates, (2) average age of residents, (3) health care utilization rates, (4) the number of health care facility admissions and days of care per year, and (5) the number of permanent transfers. The act instead requires this data in the disclosure statement as part of the summary of projections used for pro forma statements.

Prior law also required a provider's annual filings to include the facility's current rate schedule. The act instead requires this information in disclosure statements and specifies that it includes current rate schedules for entrance fees, monthly fees, and fees for ancillary services. The act also reduces, from seven to

five years, the required disclosure of past entrance fee increases and periodic charges.

The act eliminates the requirement to file with DSS a statement of source and application of funds for the five-year period beginning the year of initial filing or, in some cases, subsequent filings. However, it maintains a requirement that, if the operation of the facility has not yet commenced or construction is to be completed in stages, the provider must include the anticipated source and application of funds involved with such construction or purchase in the disclosure statement.

The act eliminates a requirement that the provider file with DSS the basis for amortization assumptions for its capital costs. It also eliminates explicit requirements that financial and actuarial projections be determined on an actuarially sound basis using reasonable assumptions for mortality, morbidity, and interest. The act also eliminates a requirement that the provider include in disclosure statements obligations assumed by the provider under continuing-care contracts for each facility the provider operates.

Prior law required providers to include verification of the maintenance of required escrow accounts in the filing required within 150 days of the first FY of operation. The act instead requires disclosure statements to include a sworn statement of the applicable escrow agents that (1) such required escrows have been established and maintained or (2) an independent certified public accounting firm has verified the accounts.

Viewing and Copies

Under prior law, each provider operating a facility in the state had to make a provider's annual filings available to its residents for viewing during regular business hours. Prior law also required providers to (1) provide residents with a copy of the most recently filed financial information upon request and (2) notify them at least annually of their right to view filings and receive a copy of the most recent filing. The act instead applies these requirements to disclosure statements filed with DSS.

Filing Fees

The act eliminates a provision requiring the DSS commissioner to prescribe fees of up to \$100 for filings, excluding the initial filing. By law, unchanged by the act, a provider must pay an annual filing fee of \$24 for each resident unit it operates to remain registered with DSS.

§§ 7 & 10 — REQUIREMENTS BEFORE CONSTRUCTION

For providers that have not yet begun constructing facilities, the law, unchanged by the act, prohibits construction from beginning until a minimum number of living units have been presold. Prior law set the minimum number at (1) one-half of the units in the facility or (2) if the construction is to be completed in stages, one-half of the units in the designated part of the planned facility that show financial feasibility. Under the act, the minimum number is instead at least (1) one-half of the units in the facility or (2) 50% of any designated part or parts thereof as determined by DSS.

The act eliminates the requirement that such units evidence feasibility through a written notice from the DSS commissioner stating that the provider has filed proof of committed construction financing or other documentation of financial feasibility deemed sufficient by the commissioner.

The law, unchanged by the act, also requires the provider to have received a minimum deposit for all presold units before beginning construction. Under prior law, the minimum deposit was the lesser of 5% of the entrance fee per unit for all presold units or \$10,000 per unit for all presold units. The act instead requires a minimum deposit of \$10,000 for each presold unit.

The act applies these new requirements to contracts entered into after October 1, 2015.

§ 7 — ADDITIONAL CONTRACT SPECIFICATIONS

Refunds

By law, continuing care facility contracts must specify (1) the terms and conditions under which the contracts may be cancelled by the provider or the resident and (2) the conditions for any entrance fee refunds. The act requires that, for contracts entered into after October 1, 2015, any refund must be delivered to the resident or his or her estate within three years from the date the contract is terminated or sooner if contractual conditions for the refund are met.

Periodic Charges and Recurring Fees

By law, the provider must include in the contract the manner in which it may adjust periodic charges or other recurring fees and any limitations of these adjustments. Prior law required that if there were no limits on these adjustments, the provider had to include a clear statement that such increases may be made at the provider's discretion. For contracts entered into after October 1, 2015, the act instead prohibits providers from increasing periodic charges or other recurring fees unless they give residents 30 days advance written

notice.

§§ 8, 9, & 11 — ESCROW REQUIREMENTS AND FINANCIAL DISTRESS

Connecticut Place of Business Requirement

By law, providers must establish an entrance fee escrow with a bank or trust company as escrow agent before soliciting or entering into any continuing care contract. Prior law required that if a prospective resident was a Connecticut resident when signing the contract, the bank or trust had to be one that had its principal place of business in Connecticut. The act instead requires all providers to use banks or trusts with a place of business in Connecticut.

Funds in Escrow and Reserve Requirement Calculations

The act decreases the required amount providers must maintain in a reserve fund escrow. Prior law required providers to maintain enough funds in escrow to cover all principal and interest, rental, or lease payments due during the next 12 months on account of any first mortgage or other long-term financing of the facility. The act decreases this requirement to six months. By law, unchanged by the act, the provider must also have enough in escrow to cover the total cost of operations of the facility for one month, excluding payments for debt service, rental or lease payments, and capital improvements.

The act allows providers to use funds in accounts for mortgage loans, bond indentures, or other long-term financing in their computation of required reserve amounts, provided funds are available to make payments when operating funds are insufficient for these purposes. The act also allows providers to apply cash amounts held pursuant to requirements for such loans, indentures, or financing toward the provider's computation of the required operating reserve amount. Under the act, DSS may accept the terms or covenants regarding establishing or maintaining reserve or escrow funds or financial ratios associated with such loans, indentures, or other long-term financing as an alternative to the reserve requirements.

Collateral

Under prior law, entrance fee or reserve fund escrows could not be pledged as collateral. The act creates an exception to allow providers to pledge reserve fund escrows as collateral for a first mortgage or other long-term financing obligation of the facility.

Financial Distress and Remediation Plan

Under the act, if a provider seeks modification, waiver, or extension of any of its material financial covenants or material payment terms under a mortgage loan, bond indenture, or other long term financing agreement, the provider must, within seven business days of making the request, (1) report the request in writing to the DSS commissioner and (2) provide a copy to the applicable residents councils. If DSS determines that a facility is in financial distress, the provider must propose a remediation plan to improve its financial health. Under the act, the provider must submit the plan to DSS and disclose the plan to the residents council. The provider must file regular reports (quarterly or on an alternative schedule established by DSS) on its progress in meeting its remediation plan with DSS and the residents council.

§ 16 — ADVISORY COMMITTEE

The act requires the Advisory Committee on Continuing Care to meet by August 1, 2015 (though the act is not effective until October 1, 2015) and quarterly thereafter. It adds to the committee a DSS designee who must report to the DSS commissioner after every meeting on actions taken and recommendations made at the meeting.

By law unchanged by the act, the committee (1) assists continuing-care staff in its review and registration of functions; and (2) reports to the commissioner on developments in the field, any special problems associated with continuing care, and providers' and residents' concerns; and (3) when appropriate, recommends changes in statutes and regulations.

§ 14 — ENFORCEMENT AND PENALTIES

By law, the DSS commissioner, if he determines that anyone has violated continuing care facility laws, may ask the attorney general to seek restitution or damages and other appropriate relief for anyone injured by the violation. The act also applies this provision to violations of its requirements on residents' rights, residents councils, and provider communications.

§ 15 — REGULATIONS

Prior law required DSS to adopt regulations to carry out provisions related to continuing care facilities and contracts. The act instead allows DSS to adopt such regulations, including those concerning resident rights and protections.

BACKGROUND

Continuing Care Contract

By law, a continuing care contract is an agreement in which the provider furnishes a person care and shelter in a facility or care at home with the right to future access to care and shelter in a facility and medical or nursing services or other health-related benefits for the life of a person or for a period in excess of one year. By law, the agreement governs care for a person not related to the provider and requires a present or future transfer of assets or an entrance fee in addition to or instead of periodic charges.

PA 15-150—sHB 5257*Human Services Committee***AN ACT REQUIRING NOTICE OF ABUSE REPORTS CONCERNING RESIDENTS OF LONG-TERM CARE FACILITIES**

SUMMARY: The law requires people working in certain professions (mandated reporters, see BACKGROUND) to report to the Department of Social Services (DSS) if they have reasonable cause to suspect or believe a resident in a long-term care facility has been abused, neglected, exploited, or abandoned, and DSS must investigate such reports. This act requires DSS, after receiving such a report, to notify the resident's (1) guardian or conservator, if any; (2) legally liable relative; or (3) other responsible party. The department must get the contact information from the long-term care facility and provide the notice as soon as possible, but no later than 24 hours, after receiving the report. The notice is not required when the guardian, conservator, legally liable relative, or responsible party is the suspected perpetrator.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Mandated Reporters

By law, the following are mandated reporters of abuse, neglect, exploitation, or abandonment of long-term care facility residents:

1. licensed physicians and surgeons and licensed or unlicensed resident physicians and interns;
2. registered and licensed practical nurses;
3. long-term care facility administrators, nurse's aides, orderlies, and anyone else paid for providing care in such a facility;

4. patient advocates;
5. medical examiners;
6. dentists;
7. optometrists, chiropractors, and podiatrists;
8. psychologists, social workers, and sexual assault or domestic violence counselors;
9. clergy;
10. police officers;
11. pharmacists; and
12. physical therapists (CGS § 17a-412).

PA 15-154—sHB 6155

Human Services Committee
Appropriations Committee

**AN ACT CONCERNING NOTIFICATION OF
MEDICAID WAIVER AND MEDICAID STATE
PLAN AMENDMENT PROPOSALS**

SUMMARY: By law, whenever the Department of Social Services (DSS) commissioner applies to the federal government to waive certain federal program requirements or amend the Medicaid state plan, he must first submit the waiver application or proposed amendment to the Human Services and Appropriations committees. This act conforms law to current DSS practice by requiring the commissioner to submit applications for waiver renewals to these committees and applying other requirements for waiver applications and state plan amendments to waiver renewals. These include requirements that the:

1. committees hold a public hearing within 30 days of receiving the waiver renewal and following the hearing, approve, deny, or modify the renewal (denied renewals, like denied amendments or waivers, may not be submitted to the federal government) and
2. DSS commissioner (a) provide notice for a waiver renewal in the *Connecticut Law Journal*, (b) allow individuals to submit written comments before he submits the renewal to the committees, and (c) submit the written comments to the committees along with the renewal.

Additionally, the act (1) requires the commissioner to post on the DSS website, for waivers, renewals, and amendments, the same notices he posts in the *Journal* and (2) extends, from 15 to 30, the number of days the commissioner must allow individuals to submit written comments on waivers and amendments and also applies this 30 day timeframe to waiver renewal comment periods.

EFFECTIVE DATE: July 1, 2015

PA 15-165—sHB 6770

Human Services Committee

**AN ACT CONCERNING MEDICAID COVERAGE
FOR OVER-THE-COUNTER DRUGS AND
PRODUCTS AND REQUIREMENTS FOR
MEDICAID BENEFIT CARDS AND NOTICE OF
REGULATIONS**

SUMMARY: This act expands the types of over-the-counter drugs and products that the Department of Social Services (DSS) may pay for through its medical assistance programs to include those the DSS commissioner determines to be appropriate for coverage based on their clinical efficacy, safety, and cost effectiveness. The law generally bans DSS from paying for over-the-counter drugs and products, with certain exceptions (see BACKGROUND). By law, DSS may require prior authorization for any covered over-the-counter drug.

The law allows the DSS commissioner to implement policies and procedures to administer DSS programs while in the process of adopting them as regulations, as long as he gives notice of his intent to adopt the regulations. Prior law required him to print the notice in the *Connecticut Law Journal* within 20 days after the date of implementation. The act instead requires DSS, within the same time period, to print the notice on the department's website and the eRegulations system.

The act repeals a law that required DSS, by January 1, 2016, to require state-issued Medicaid benefit cards to include the name of and contact information for the beneficiary's primary care provider, if he or she had one.

The act also makes technical changes and removes an obsolete provision.

EFFECTIVE DATE: July 1, 2015, except for the repealer, which is effective upon passage.

BACKGROUND

Over-The-Counter Drugs and Products

The law permits DSS to pay for the following over-the-counter drugs and products:

1. over-the-counter drug coverage through the Connecticut AIDS Drug Assistance Program,
2. insulin or insulin syringes,
3. nutritional supplements for people who must be tube fed or who cannot safely get nutrition in any other form,
4. smoking cessation drugs, and

5. drugs that must be covered as essential health benefits under the federal Affordable Care Act (CGS § 17b-280a).

PA 15-233—sSB 896

Human Services Committee

Judiciary Committee

Aging Committee

AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED ELDERLY ABUSE VICTIMS

SUMMARY: This act modifies laws affecting protective services for, and investigations concerning, elderly abuse victims. Generally, the act:

1. allows the Department of Social Services (DSS) to petition the probate court, under certain circumstances, for an order to enter an elderly person's premises to conduct an assessment;
2. broadens DSS' ability to issue subpoenas when investigating allegations of abuse, neglect, exploitation, or abandonment of an elderly person;
3. narrows the circumstances under which DSS may disclose the name of the person reporting abuse, neglect, exploitation, or abandonment;
4. allows an elderly person or his or her legal representative access to DSS records pertaining to the elderly person, with certain exceptions; and
5. establishes circumstances when DSS may disclose an elderly person's file, both with and without authorization from the elderly person or his or her legal representative.

The act also changes the definition of neglect for purposes of DSS investigations and services. Under prior law, "neglect" referred to an elderly person who is living alone and unable to provide for himself or herself the services necessary to maintain physical and mental health or not receiving these services from a responsible caretaker. The act broadens the definition by also including an elderly person who does not live alone but is unable to provide himself or herself with the necessary services. It also specifies that a caretaker's failure to provide or arrange services constitutes neglect. Under the act, "services necessary to maintain physical and mental health" include protection from abuse, neglect, exploitation, or abandonment, rather than protection from maltreatment generally as under prior law.

Finally, the act makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2015, except for definitional changes, which are effective October 1, 2015.

PROBATE COURT ORDERS

The act allows DSS to petition the probate court for an order to enter an elderly person's premises if DSS has reasonable cause to believe the elderly person may need protective services and the person or another individual has refused to give DSS access to the premises. DSS must include certain information in its investigation file and petition, and the court must grant the petition if it finds certain conditions are met.

Under the act, probate court orders may only authorize assessment of the elderly person's need for protective services. They may not authorize DSS to remove a person from his or her premises or provide involuntary protective services. The act specifies that its provisions concerning these court orders do not impair existing legal rights or remedies.

DSS Application

The act requires DSS to document in its investigation file the factors it considered when deciding to petition for a court order to enter an elderly person's premises. For these petitions, the act requires that DSS base allegations of abuse, neglect, exploitation, or abandonment on the personal knowledge of (1) the DSS commissioner; (2) the person reporting the abuse, neglect, exploitation, or abandonment; or (3) any other person with information relating to the report. Whenever possible, allegations not based on the commissioner's knowledge must be supported by an affidavit, under penalty of perjury, attached to DSS' petition.

Under the act, DSS must also include the following information in its petition:

1. a statement affirming that DSS seeks the order solely to assess whether the elderly person needs protective services;
2. the elderly person's name and address and the premises where he or she can be found, if different from the address;
3. the reason to believe the elderly person may need protective services, which may include information provided by other agencies or individuals familiar with the person;
4. the name and address, if known, of any individuals responsible for preventing access to the elderly person;
5. previous efforts made to enter the elderly person's premises;

6. names of any other individuals (e.g., DSS social workers) or health or mental health professionals who may participate in assessing the elderly person;
7. the manner in which DSS will conduct the assessment; and
8. whether there has been a prior petition to the probate court to enter the elderly person's premises or for similar relief and, if so, the court's ruling and any new facts supporting submission of another petition.

Probate Court Determinations

Under the act, the probate court must grant DSS' petition if it finds (1) reasonable cause to believe the elderly person is at risk of imminent physical or mental harm and may be found at the premises described in the petition, (2) the elderly person may need protective services, and (3) access to such person has been refused. Upon granting the petition, the court must issue an order, *ex parte* (i.e., without hearing from other parties) and without prior notice, authorizing DSS, accompanied by a police officer or other law enforcement official and other necessary individuals, to enter the premises to conduct an assessment to determine whether the elderly person named in the petition needs protective services. The order expires 10 days after it is issued.

DSS INVESTIGATIONS OF ALLEGATIONS

Obtaining Necessary Records

The act requires covered entities (e.g., health care providers and others as defined by the federal Health Insurance Portability and Accountability Act (HIPAA)) to disclose to DSS all relevant information, including protected health information, necessary for DSS to investigate an allegation of abuse, neglect, exploitation, or abandonment. Covered entities must provide notice to the elderly person in accordance with HIPAA requirements (see BACKGROUND).

Under prior law, any person, department, agency, or commission authorized by law to provide protective services for the elderly had access to all relevant records, except those confidential to an elderly person, which could only be divulged with the written consent of the elderly person or his or her representative. The act eliminates that provision and broadens the circumstances under which DSS may issue a subpoena to obtain records necessary for an investigation.

Under prior law, DSS could issue a subpoena to obtain confidential records if it had reasonable cause to believe (1) an elderly person lacked capacity to consent to their release or (2) in cases where the person's caretaker refused consent, the caretaker had abused,

neglected, exploited or abandoned the person. Under the act, DSS may issue a subpoena for information, including protected health information, whenever it has reasonable cause to believe the elderly person is being abused, neglected, exploited, or abandoned.

Interview Requirement

By law, DSS must investigate any report it receives alleging an elderly person (1) has been abused, neglected, exploited, or abandoned or (2) needs protective services. The investigation must include an interview with the elderly person alone, with certain exceptions. Prior law exempted from the interview requirement an elderly person whose physician submitted a written statement that the interview was medically contraindicated, provided the physician had examined the person within 30 days of DSS receiving the report. The act eliminates this exemption, but continues to exempt an elderly person when he or she refuses to consent to the interview or DSS determines the interview is not in his or her best interest.

Notice of Findings

The act eliminates a requirement for DSS to notify the person who filed the report, upon his or her request, of the investigation's findings.

Registry

Prior law required DSS to maintain a statewide registry of reports received, investigations, findings, and actions taken. The act instead requires the registry to contain the number of reports received, the allegations, and outcomes.

DSS DISCLOSURE OF RECORDS

Elderly Person's File

Under law unchanged by the act, the elderly person's file, including the original report and DSS' investigation report, is not a public record or subject to disclosure under the Freedom of Information Act. The act allows DSS to disclose the file with written authorization from the elderly person or his or her legal representative. Under the act, beginning October 1, 2015, a legal representative is a guardian ad litem, conservator, or power of attorney appointed to act on the elderly person's behalf. With such an authorization, DSS may disclose the file or any portion of the file to an individual, agency, corporation, or organization.

In addition, under the act, DSS may disclose the elderly person's records without authorization, including records not created by DSS, if (1) DSS determines disclosure is necessary to assure the elderly person's

health, safety, and welfare and (2) the records are not otherwise privileged or confidential under state or federal law. In these situations, DSS may disclose the records (1) to law enforcement officials; (2) to multidisciplinary teams formed to assist DSS with investigations, evaluations, or treatment in elderly abuse and neglect cases; and (3) in other proceedings related to protective services for the elderly and other actions the DSS commissioner deems necessary to assure an elderly person's health, safety, and welfare.

Name of Person Filing Report

The act narrows the circumstances in which DSS may disclose the name of the person who reported suspected elderly abuse, neglect, exploitation, or abandonment. Under prior law, DSS could not disclose such a person's name unless (1) the person specifically requested disclosure, (2) a judicial proceeding resulted from the report, or (3) disclosure of the person's name was necessary to fully investigate the report. Under the act, DSS may only disclose a reporting person's name (1) with the person's written permission or (2) to a law enforcement official under a court order specifically requiring disclosure.

ACCESS TO DSS RECORDS

Under the act, with certain exceptions, an elderly person or his or her legal representative has the right, in accordance with applicable state and federal law, to access records made, kept, or maintained by DSS that pertain to or contain information about the person, including (1) records of investigations; (2) reports; and (3) records of the elderly person's medical, psychological, or psychiatric examinations. The act restricts access to these records if:

1. DSS obtains protected health information from someone other than a health care provider under promise of confidentiality and the requested access would likely reveal the information's source;
2. a licensed health care professional determines the requested access is reasonably likely to endanger a person's life or physical safety;
3. the protected health information refers to someone other than a health care provider, and a licensed health care professional using professional judgment determines the requested access is reasonably likely to cause that person substantial harm; or
4. the person's legal representative requests access, and a licensed health care professional using professional judgment determines that providing such access is reasonably likely to harm someone.

The act also prohibits releasing to the elderly person or his or her legal representative information identifying the individual who reported the abuse, neglect, exploitation, or abandonment unless (1) the elderly person applies to the Superior Court; (2) the DSS commissioner is served; and (3) a judge determines, after in-camera inspection (i.e., in private or not in open court) of relevant records and a hearing, that there is reasonable cause to believe the reporter knowingly made a false report or that other interests of justice require releasing the information.

NURSING HOME TRANSFERS

By law, DSS may take necessary actions to assure the health, safety, and welfare of elderly persons. Under prior law, this included the right to authorize transfer of an elderly person from a nursing home. The act eliminates this explicit authority. However, by law, unchanged by the act, the public health commissioner may transfer a nursing home patient if she determines there is imminent danger to the patient's health, safety, or welfare (CGS § 19a-534).

BACKGROUND

HIPAA

The HIPAA "privacy rule" sets national standards to protect the privacy of health information. Among other things, it limits the circumstances when health care providers, insurers, and other covered entities may release protected health information (PHI). PHI includes information that could identify a person, including name, Social Security number, telephone number, medical record number, and ZIP code.

Federal law generally allows covered entities to disclose to a government authority PHI about an individual they believe to be a victim of abuse, neglect, or domestic violence. The entity must promptly inform the individual unless it would (1) place the individual at risk of serious harm or (2) inform a personal representative who the entity believes is responsible for the abuse, neglect, or other injury and doing so is not in the individual's best interest.

PA 15-70—HB 6952

*Insurance and Real Estate Committee
Veterans' Affairs Committee*

**AN ACT PROHIBITING CERTAIN LIFE
INSURANCE POLICY EXCLUSIONS FOR
ACTIVE MEMBERS OF THE ARMED FORCES
AND THE NATIONAL GUARD**

SUMMARY: This act prohibits issuing or delivering life insurance or annuities that eliminate or otherwise reduce an insurer's liability if the insured's death is related to military service to a known active member of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard. Under the act, a life insurance or annuity policy, contract, and any related application, rider, or endorsement cannot exclude coverage if the insured's death is related to (1) a declared or undeclared war or (2) military service, except accidental death coverage such as double indemnity may be excluded (i.e., paying a multiple of the policy's value if death results from an accident).

Existing Insurance Department regulations prohibit such actions but do not cover National Guard members (Conn. Agencies Reg. § 38a-819-74(h)(5)). A violation of the act is subject to a fine of up to \$15,000 (CGS § 38a-2) and a violation of the regulations is an unfair and deceptive insurance practice.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Connecticut Unfair Insurance Practices Act (CUIPA)

The law prohibits engaging in unfair or deceptive insurance acts or practices. CUIPA authorizes the insurance commissioner to issue regulations, conduct investigations and hearings, issue cease and desist orders, ask the Attorney General to seek injunctive relief in Superior Court, impose fines, revoke or suspend licenses, and order restitution.

Fines for knowingly-committed CUIPA violations, in any six month period, may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum. The law also imposes a fine of up to \$50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order.

PA 15-98—sHB 6773

Insurance and Real Estate Committee

**AN ACT CONCERNING LICENSURE
REQUIREMENTS FOR REAL ESTATE
BROKERS**

SUMMARY: This act changes the education requirements for an initial real estate broker license. Specifically, it requires a license applicant to successfully complete a 15-hour course in real estate legal compliance and a 15-hour course in real estate brokerage principles and practices, instead of a 30-hour course in real estate appraisal and another 30-hour course prescribed by the Real Estate Commission. The act requires an applicant to also complete two 15-hour elective courses prescribed by the commission, unless the applicant has successfully completed at least 20 real estate transactions in the previous five years. The act defines a "real estate transaction" as a legal transfer of real property or execution of a lease agreement.

By law, unchanged by the act, an applicant for an initial real estate broker license must also (1) be at least age 18; (2) have a good reputation for honesty, truthfulness, and fair dealing; (3) pass a written test; (4) have been a licensed real estate salesperson for at least two years under the supervision of a real estate broker; and (5) successfully complete a 60-hour course in real estate principles and practices approved by the Real Estate Commission. The commission may approve experience or education equivalent to what the law and the act require.

EFFECTIVE DATE: July 1, 2016

PA 15-118—HB 6678

Insurance and Real Estate Committee

**AN ACT CONCERNING THE LEGISLATIVE
COMMISSIONERS' RECOMMENDATIONS FOR
TECHNICAL AND OTHER CHANGES TO THE
INSURANCE AND RELATED STATUTES**

SUMMARY: This act makes a number of unrelated changes in insurance laws and related provisions. It:

1. repeals a provision, declared unconstitutional by a federal appellate court, requiring auto insurers to provide certain information to insureds about glass repair (§ 70);

2. ensures that a ban on denying uninsured motorist coverage to certain named insureds or relatives continues to apply on and after October 1, 2015 (§ 69); and
3. replaces an improper reference to the Office of the Healthcare Advocate (OHA) chairperson as a member of the Commission on Health Equity with a reference to the Healthcare Advocate (OHA does not have a chairperson) (§ 59).

The act also repeals, for certain individual and group health insurance policies, provisions relating to coverage determinations and notice requirements (§ 71). The repealed provisions (CGS §§ 38a-483b & 38a-513a) are superseded by provisions in compliance with the federal Patient Protection and Affordable Care Act (CGS § 38a-591 et seq.).

The act makes conforming changes for consistency within the insurance statutes (§§ 65-68). It also makes numerous minor and technical changes.

EFFECTIVE DATE: October 1, 2015

§ 70 — AUTO GLASS REPAIR

The act repeals a law prohibiting glass claims representatives or third-party administrators (TPA) from giving an insured the name of, scheduling an appointment with, or directing him or her to a glass shop owned by the insurer, TPA, or parent company of either, unless they also provide the name of at least one other auto glass repair shop. The U.S. Second Circuit Court of Appeals ruled that requiring insurers or TPAs to give insureds a competitor's contact information violates their free speech rights under the U.S. Constitution (*Safelite Group, Inc. v. Jepsen*, 764 F.3d 258 (2d Cir. 2014)).

§ 69 — UNINSURED MOTORIST COVERAGE

In 2014, the legislature passed two acts on uninsured motorist coverage. PA 14-71, effective October 1, 2014, bans insurers from denying such coverage to a named insured or related household member solely because he or she is struck as a pedestrian by, and during the theft of, the insured's covered vehicle. PA 14-20 modifies the same statute effective October 1, 2015 but does not include the ban. The act ensures that the ban continues to apply on and after October 1, 2015.

PA 15-122—sHB 6736

Insurance and Real Estate Committee

AN ACT EXTENDING TO OPTOMETRISTS THE PROHIBITION ON THE SETTING OF PAYMENTS BY HEALTH INSURERS AND OTHER ENTITIES FOR NONCOVERED BENEFITS

SUMMARY: This act prohibits a provider contract between an insurer and a licensed optometrist entered into, renewed, or amended on or after January 1, 2016 from requiring the optometrist to accept as payment an amount the insurer sets for services or procedures that are not covered benefits under an insurance policy or benefit plan.

Under the act, an “insurer” includes a health insurer, HMO, fraternal benefit society, hospital or medical service corporation, or other entity that delivers, issues, renews, amends, or continues an individual or group vision plan in Connecticut.

The act prohibits an optometrist from charging patients more than his or her usual and customary rate for services or procedures not covered by an insurance policy or benefit plan. It (1) requires an insurer to include a statement regarding noncovered services on each evidence of coverage document issued for individual or group vision plans and (2) specifies the language that must be included in the statement.

The act also requires optometrists to post, in a conspicuous place, a notice stating that services or procedures that are not covered benefits under an insurance policy or plan might not be offered at a discounted rate.

The act does not apply to self-insured plans or collectively bargained agreements.

EFFECTIVE DATE: January 1, 2016

PA 15-126—sHB 6865 (VETOED)

Insurance and Real Estate Committee

AN ACT CONCERNING COINSURANCE CLAUSES IN CERTAIN COMMERCIAL INSURANCE POLICIES AND CONTRACTS

SUMMARY: This act prohibits the use of coinsurance clauses in certain fire insurance policies and contracts issued by nonadmitted insurers (see BACKGROUND). A coinsurance clause requires an insured to either (1) insure his or her property up to its actual cash value or a percentage specified in the policy or (2) be partially liable for losses.

By law, nonadmitted insurers may issue commercial property fire insurance policies and contracts that define “depreciation” differently than the

Connecticut standard fire insurance policy form. Under the act, if a coinsurance clause is included in such a policy or contract, the clause is void and unenforceable. This prohibition applies to policies and contracts made, issued, renewed, or delivered by a nonadmitted insurer or its agent or representative on or after October 1, 2015.

The act also makes technical changes, including specifying that the standard fire insurance provisions apply to renewed policies and contracts.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Nonadmitted Insurers

By law, a nonadmitted insurer (or unauthorized insurer) is an insurer that (1) has not been granted a certificate of authority by the insurance commissioner to transact insurance business in Connecticut or (2) transacts business not authorized by a valid certificate (CGS § 38a-1(11)(E)).

PA 15-139—SB 417

Insurance and Real Estate Committee

AN ACT CONCERNING CONFERENCES BETWEEN HEALTH CARRIERS' CLINICAL PEERS AND HEALTH CARE PROFESSIONALS

SUMMARY: Prior law allowed health carriers (e.g., insurers or HMOs) to offer to a covered person's health care professional a conference with the health carrier's clinical peer (see BACKGROUND) following certain initial adverse determinations (i.e., a denial or reduction of coverage for a specific service). The act instead requires them to do so at the health care professional's request.

Under the act, health carriers must notify the health care professional of the conference opportunity when they notify the covered person or his or her authorized representative or health care professional of the adverse determination. By law, a covered person may challenge an adverse determination by filing a grievance. A conference is not considered a grievance unless a grievance has been previously filed. The notice must include this information.

The conference requirement applies only:

1. to an initial adverse determination based at least in part on medical necessity, of a concurrent or prospective utilization review, or of a benefit request and
2. when the covered person, representative, or health care professional does not file a grievance of the adverse determination before

the conference.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Clinical Peer

A "clinical peer" is generally a physician or other health care professional who holds a nonrestricted license in (1) a U.S. state and (2) the same or similar specialty as someone who typically manages the medical service under review. Clinical peers reviewing adverse determinations relating to substance use or certain mental disorders must meet additional qualifications.

PA 15-144—SB 983

Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S FINANCIAL REGULATORY OVERSIGHT OF INSURANCE COMPANIES

SUMMARY: This act makes several changes in the insurance statutes. It:

1. requires the insurance commissioner, after completing a financial examination of an insurer, HMO, or similar entity, to give a final report of the examination to the entity's board of directors, who must review it;
2. allows the commissioner to extend the due date for insurers and HMOs to file their quarterly and annual financial statements under certain circumstances;
3. prohibits anyone from making public confidential examination workpapers and related information but allows the commissioner to disclose the information to other insurance regulatory officials, law enforcement officials, and government agencies that agree to keep it confidential;
4. specifies that the insurance regulatory official with principal oversight of a reinsurer's required trust may authorize a reduction in the required trust surplus;
5. expands the grounds under which the commissioner may determine someone to be in control of an insurance company under the holding company statutes;
6. expands the types of material transactions that a member company of a holding company system may enter into only with the commissioner's approval; and

7. allows the commissioner to order an HMO to turn over books and records necessary for her to conduct a financial examination of the company, which she is authorized by law to conduct, and requires the HMO to pay for the examination (§ 9).

EFFECTIVE DATE: July 1, 2015

§1 – FINAL FINANCIAL EXAMINATION REPORTS

The act establishes requirements concerning final financial examination reports. By law, the insurance commissioner may conduct financial examinations of insurers, HMOs, and similar entities doing business in Connecticut. Existing law sets a timeframe for the (1) commissioner to distribute draft reports to examined entities, (2) entities to reply, and (3) commissioner to prepare and adopt a final report.

The act requires the commissioner to provide the final, adopted examination report, or a summary of it, to the examined entity, along with any of her or the examiner's recommendations or written statements. It requires the entity's board of director's secretary to give a copy to each director and certify to the commissioner in writing that this has occurred.

The act also requires the examined entity's chief executive officer or chief financial officer, within 120 days after receiving the report or summary, to present it to the board of directors at a regular or special meeting.

§ 2 – DUE DATE FOR FINANCIAL STATEMENTS

The act allows the commissioner to extend the due date for the quarterly and annual financial statements insurers and HMOs must file with her. By law, an entity that files a statement after its due date must pay \$175 for every day it is late.

The act allows the commissioner to extend a statement's due date (thus postponing or waiving the late fees):

1. if the entity cannot file the statement because the governor of its home state proclaimed a state of emergency that prevents the entity from filing it;
2. if the entity's home state insurance regulatory official has allowed the entity to file it late; or
3. for a domestic entity, for good cause shown.

§ 3 – FINANCIAL EXAMINATION WORKPAPER CONFIDENTIALITY

The act strengthens the confidentiality provisions relating to financial examination workpapers, financial analyses, and operating and financial condition reports concerning an insurer, HMO, or fraternal benefit society. Under prior law, these items were confidential

unless (1) otherwise a matter of public record or (2) the commissioner deemed it in the public interest to make them publicly available.

The act instead makes these items confidential and not subject to subpoena. It prohibits anyone, including the commissioner, from making the items public but allows her to give the National Association of Insurance Commissioners (NAIC) access to them if the NAIC agrees in writing to keep them confidential.

It also allows the commissioner to share the items, their content, or any matter relating to them, with insurance regulatory officials, law enforcement officials, and federal government agencies if the recipient agrees in writing to keep the information confidential.

§ 4 – AUTHORIZING REDUCTIONS IN TRUSTEED ACCOUNTS

The law specifies an accounting procedure for insurers transferring all or part of their insurance or reinsurance risk written to another insurer or reinsurer. Under this procedure, the ceding insurer may treat amounts due from reinsurers as assets or reductions from liability based on the reinsurer's status. By law, a credit for reinsurance is allowed when the reinsurer maintains a trust in a qualified U.S. financial institution. In the case of a single reinsurer, the trust must cover at least the reinsurer's U.S. reinsurance liabilities and a surplus of at least \$20 million; but the commissioner may, in certain circumstances, reduce the surplus amount for a trust over which she has principal regulatory oversight.

The act specifies that whoever the insurance regulatory official with principal oversight of a trust is, he or she may authorize a reduction in the trustee's surplus.

§§ 5-7 – DETERMINING CONTROL OF A COMPANY

The act expands the grounds under which the commissioner may find that a person has control over an insurance company.

The law grants the commissioner the authority to (1) supervise the activities of insurance companies doing business in Connecticut that are affiliated with an insurance holding company system (a group of affiliated companies), (2) review the acquisition of control over the management of domestic insurance companies, and (3) provide standards for the supervision and review.

By law, "control" generally means having, directly or indirectly, the power to direct the management of a company. Control is presumed to exist when a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or

more of the voting securities of another. This presumption may be rebutted by a showing that control does not in fact exist.

Under prior law, the commissioner could determine, after giving interested people notice and an opportunity to be heard, that control does in fact exist even if there was no presumption. The act instead allows her to determine, after notice and hearing, that a person, directly or indirectly, alone or under an oral or written agreement, arrangement, or understanding, exercises such influence over the management or policies of an insurance company that it is necessary or in the public's interest and for protection of the company's policyholders that the person be deemed to be in control of the company.

By law, no one may enter into an agreement to merge or take control of a domestic insurer unless certain conditions are met, including obtaining the commissioner's approval. The act also prohibits entering into arrangements or understandings to merge or take control unless the same conditions are met.

§ 8 – HOLDING COMPANY MATERIAL TRANSACTIONS

The law specifies requirements for transactions within an insurance holding company system. Certain specified material transactions may not be entered into without the commissioner's approval, including reinsurance agreements, management agreements, service contracts, and cost-sharing arrangements. The act also requires that tax allocation agreements be submitted for the commissioner's approval.

With respect to reinsurance agreements, the law requires all reinsurance agreements or modifications to be submitted to the commissioner for approval, including those in which the reinsurance premiums or change in the insurance company's liabilities equals or exceeds 5% of the company's surplus. The act expands this to include any agreements in which the projected reinsurance premium or projected change in the company's liabilities in any of the next three years equals or exceeds 5% of the company's surplus.

PA 15-166—HB 6771

Insurance and Real Estate Committee

AN ACT AUTHORIZING NONADMITTED INSURERS TO OPEN AN OFFICE IN THIS STATE

SUMMARY: Under existing law, the Unauthorized Insurers Act defines what it means to transact insurance business in the state and sets out penalties for nonadmitted or unauthorized insurers who do so;

however, it allows these insurers to transact surplus lines insurance. This act specifies that the Unauthorized Insurers Act allows these insurers to open an office in Connecticut to transact surplus lines insurance.

By law, a nonadmitted or unauthorized insurer is one that has not been granted a certificate of authority by the insurance commissioner to transact insurance business in Connecticut. Surplus lines insurance is property and casualty insurance coverage that is unavailable from Connecticut-licensed insurers (i.e., admitted insurers) and must therefore be purchased from a nonadmitted insurer. Surplus lines insurers register with the Insurance Department but are not domiciled in the state. They work through licensed surplus lines brokers who must maintain an office here by law.

EFFECTIVE DATE: October 1, 2015

PA 15-167—sHB 6772

Insurance and Real Estate Committee

AN ACT EXTENDING CREDITOR PROTECTION TO AMOUNTS PAYABLE TO A PARTICIPANT OF OR BENEFICIARY UNDER AN ANNUITY PURCHASED TO FUND EMPLOYEE OR RETIREE RETIREMENT BENEFITS

SUMMARY: By law, creditors cannot claim interests in and payments from certain accounts, including certain retirement accounts, simplified employee pension plans, and medical savings accounts. This act extends this protection to certain allocated and unallocated group annuity contracts. (Employers may enter into group annuity contracts to fund employee retirement benefits or otherwise decrease the risk associated with managing a retirement plan.)

Under the act, a group annuity contract is exempt from creditors' claims if it is issued to an employer or a pension plan to provide employees or retirees with defined retirement benefits, and:

1. the retirement benefits were protected under the federal Employee Retirement Income Security Act (ERISA) or Pension Benefit Guaranty Corporation (PBGC) before the effective date of the group annuity contract, and
2. the group annuity contract is not protected by ERISA or the PBGC (see BACKGROUND).

EFFECTIVE DATE: October 1, 2015

BACKGROUND

ERISA and PBGC

ERISA sets minimum standards for private pension plans, including standards for participation, vesting, benefit accrual, funding, and pension management responsibility. Under ERISA, most private defined benefit pension plans are required to obtain pension benefit insurance through PBGC.

PBGC provides payment of certain benefits if these plans are terminated (e.g., when the employer can no longer meet the plan's fiduciary obligations).

PA 15-171—HB 6868

Insurance and Real Estate Committee

AN ACT CONCERNING THE CONNECTICUT INSURANCE GUARANTY ASSOCIATIONS

SUMMARY: This act makes changes in the laws governing the Connecticut Insurance Guaranty Association (CIGA) and Connecticut Life and Health Insurance Guaranty Association (CLHIGA). CIGA and CLHIGA pay certain insurance claims when an insurer becomes insolvent and cannot meet its obligations (see BACKGROUND). The act:

1. requires CIGA to cover certain claims arising from policies an insolvent insurer acquired through a merger or acquisition and
2. specifies that CIGA payments are triggered upon a final order of liquidation with a finding of insolvency, and CIGA is not responsible for paying certain claims, including those arising from policies issued by surplus lines carriers.

The act also increases the coverage limit for CIGA, from \$400,000 to \$500,000, for claims arising from policies of insurers placed into liquidation with a finding of insolvency on or after October 1, 2015. By law, CIGA also pays (1) the full amount of certain workers' compensation claims up to the policy limit and (2) one-half of unearned premiums up to \$2,000. Workers' compensation claims must generally be filed within two years after the declaration of insolvency.

Under the act, CLHIGA is not responsible for claims arising from Medicare Parts C or D policies providing hospital, medical, prescription drug, or other health care benefits.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2015

CIGA OBLIGATIONS

Covered Claims

The act expands the claims CIGA must cover to include claims from policies that an insurer, who subsequently becomes insolvent, acquired through a merger or acquisition. Under the act, CIGA must cover claims an insurer assumed as a direct obligation:

1. by acquiring another insurer's assets and assuming its liabilities or
2. through an assumption reinsurance transaction (i.e., where one insurer assumes liability for another insurer's obligations).

By law, (1) a claimant or insured must be a Connecticut resident at the time of the insured event or (2) the claim must be a first party claim for damage to property permanently located in Connecticut. The act specifies that the residence of claimants or insureds other than individuals (i.e., businesses) is the state where their principal place of business is located at the time of the insured event.

Non-covered Claims

Under existing law, claims from policies issued by an insurer are not covered if the insurer was unlicensed when the policy was issued or the insured event occurred. Under the act, CIGA is also not responsible for claims arising out of a policy that was issued by an insurer that was unlicensed at the time the obligation for the claim was assumed.

The act specifies that CIGA is also not responsible for claims arising from policies originally issued by a:

1. surplus lines carrier (i.e., an insurer that has not been granted a certificate of authority by the insurance commissioner to transact insurance business in Connecticut and is not domiciled in the state;
2. risk retention group (i.e., a type of captive insurer or self-insured group organized under state and federal laws); or
3. self-insurer or group self-insurer.

The act also exempts CIGA from obligations an insolvent insurer assumed:

1. after a delinquency proceeding starts that involves either the insolvent or original insurer, unless the claim would have been covered regardless of the insolvent insurer assuming it, or
2. in a transaction in which the original insurer remains separately liable.

Determinations of Insolvency and Final Orders of Liquidation

The act changes the point at which insurers are considered insolvent for purposes of triggering CIGA coverage. Under prior law, an insurer was determined insolvent by a court of competent jurisdiction. Under the act, an insurer must have a final order of liquidation with a finding of insolvency entered against it by a court of competent jurisdiction in the insurer's domiciled state. The act makes corresponding conforming changes.

BACKGROUND

CIGA and CLHIGA

By law, eligible insurers must participate in and pay assessments to CIGA or CLHIGA, as applicable. If an insurance company defaults, the guaranty association pays valid claims of policyholders and other claimants up to the dollar limits of the applicable policy, subject to minimum and maximum limits fixed by state law. CIGA covers various types of policies such as, automobile, property and casualty, and workers' compensation insurance. CLHIGA covers direct, non-group life, health, and annuity policies.

PA 15-185—SB 69

Insurance and Real Estate Committee

AN ACT CONCERNING PERSONAL RISK INSURANCE RATE FILINGS

SUMMARY: This act extends the sunset date for the "flex rating" law for personal risk insurance (e.g., home, auto, marine, or umbrella) from July 1, 2015 to July 1, 2017. The flex rating law permits property and casualty insurers, until the law sunsets, to file new personal risk insurance rates with the insurance commissioner and begin using them immediately without prior approval under certain circumstances.

EFFECTIVE DATE: June 30, 2015

BACKGROUND

Flex Rating Law

Under the flex rating law, a personal risk insurance rate cannot (1) increase or decrease by more than 6% statewide, (2) increase by more than 15% in any individual territory, and (3) apply on an individual insured basis.

By law, an insurer may submit to the Insurance Department in any 12-month period more than one rate filing using the flex rating band if all rate filings

submitted within this timeframe combined do not exceed the 6% and 15% limits for all products included in the filing.

Under the flex rating law, an insurer can apply for a rate increase within the flex rating band only (1) on or after a policy renewal and (2) after notifying the affected insureds. The notification must specify the effective date of the increase.

The flex rating law deems any filings made under its provisions to be in compliance with the rating laws. If the insurance commissioner determines rates are inadequate or unfairly discriminatory, she must order the insurer to stop using the flex rating rate change by a specified future date. The order must be in writing and explain the finding. If she issues the order more than 30 days after the insurer submitted the filing, the law requires the order to apply prospectively only and not affect any contract issued before its effective date.

PA 15-187—SB 907

Insurance and Real Estate Committee

AN ACT CONCERNING CHANGES TO THE INSURANCE STATUTES

SUMMARY: This act makes several unrelated changes in insurance statutes. It:

1. makes a portable electronics insurance license valid until January 31 of even-numbered years;
2. extends the insurance commissioner's authority to suspend or revoke an insurance producer's license if the producer submits any form of payment, instead of just checks, to the Insurance Department that is dishonored;
3. allows the commissioner to share an insurer's Own Risk and Solvency Assessment (ORSA) summary report and related documents with other regulatory officials and the National Association of Insurance Commissioners (NAIC) without the insurer's written consent; and
4. incorporates the third-party administrator (TPA) annual reporting requirement into the annual TPA license renewal process.

EFFECTIVE DATE: October 1, 2015

§ 1—PORTABLE ELECTRONICS INSURANCE LICENSE

The act specifies that a portable electronics insurance license expires on January 31 of each even-numbered year, unless the commissioner suspends or revokes it sooner.

By law, a person who (1) leases or sells portable electronics and (2) offers or sells portable electronics

insurance in Connecticut must obtain an insurance license from the commissioner. Licenses are valid for two years and may be renewed.

§ 2 — DISHONORED PAYMENT BY LICENSED PRODUCER

The act requires the commissioner, under certain circumstances, to suspend an insurance producer's license when the producer makes a payment to the Insurance Department that is dishonored, whether the payment is by check, draft, or other form (e.g., electronic payment). Prior law allowed the commissioner to take this action with respect to checks only.

For these other forms of payment, the act requires the commissioner to follow procedures in existing law for suspending a license for a dishonored check. Thus, the commissioner must notify the producer that the payment was dishonored. If the producer does not make good on the payment within 15 days after receiving notice, the commissioner must suspend the producer's license.

Within 60 days after receiving notice, the producer may request in writing that the commissioner hold a hearing on why she should end the suspension. The commissioner must hold the hearing within 30 days after receiving the request. If the producer does not request a hearing by the end of the 60-day period, the commissioner must revoke the producer's license.

§ 3 — ORSA REPORT SHARING

The act allows the commissioner to share an insurer's ORSA summary report and related documents with other regulatory officials and NAIC without the insurer's written consent. It still requires the insurer's consent for the commissioner to share information with third-party consultants, as under existing law.

An ORSA is a risk assessment domestic insurers must complete annually under a risk management framework they must establish. Insurers must provide the commissioner, on request, with an ORSA summary report. By law, the ORSA summary report and related documents are generally confidential. But the law allows the commissioner to share them with other regulatory officials, NAIC, and third-party consultants if the recipient agrees in writing to maintain the report's confidentiality.

§§ 4-6 — TPA LICENSE AND ANNUAL REPORT

The act combines a TPA's annual report requirement with its annual license renewal process. In doing so, it pushes back the annual report due date and combines the annual report filing and license renewal fees.

Under the act, a TPA seeking to renew its license must submit a \$450 fee and its annual report to the commissioner in one filing. By law, licenses expire annually on September 30 and may be renewed at the commissioner's discretion. Prior law required a TPA to (1) file its annual report and a \$100 fee by July 1 and (2) renew its license before it expires by submitting a \$350 fee.

The annual report contents remain unchanged under the act. It must include (1) the complete names and addresses of all insurers with which the TPA had agreements during the previous fiscal year, (2) evidence that the required surety bonds remain in force, and (3) verification by at least two of the TPA's officers.

The act eliminates requirements that the commissioner (1) review the annual report by September 1 and (2) issue a certification to the TPA, or update an NAIC database, indicating (a) the TPA is licensed in good standing or (b) any deficiencies.

PA 15-226—SB 1085

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR MENTAL OR NERVOUS CONDITIONS

SUMMARY: This act specifies the services certain health insurance policies must cover for mental and nervous conditions (see BACKGROUND). By law, a policy must cover the diagnosis and treatment of mental or nervous conditions on the same basis as medical, surgical, or other physical conditions (i.e., parity).

The act requires policies to at least cover, among other things:

1. medically necessary acute treatment and clinical stabilization services (see below);
2. general inpatient hospitalization, including at state-operated facilities; and
3. programs to improve health outcomes for mothers, children, and families.

Under the act, a policy may not prohibit an insured from receiving, or a provider from being reimbursed for, multiple screening services as part of a single-day visit to a health care provider or multicare institution (e.g., hospital, psychiatric outpatient clinic, or free standing facility for substance use treatment).

The act substitutes the term "benefits payable" for "covered expenses" pertaining to the mental or nervous condition coverage provisions. By law, these are the usual, customary, and reasonable charges for medically necessary treatment or, in the case of a managed care plan, the contracted rates.

The act also requires the insurance commissioner and healthcare advocate to convene a working group to study, among other things, the use of inpatient mental health and substance use disorder services. (PA 15-5, June Special Session, § 515 repeals this requirement.)

The act applies to individual and group health insurance policies issued, delivered, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services, including those provided through an HMO. Due to the federal Employee Retirement Income Security Act, state insurance mandates do not apply to self-insured benefit plans.

The act also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2016, except for the working group provisions, which are effective on passage.

COVERAGE FOR MENTAL OR NERVOUS CONDITIONS

Under the act, policies' coverage for mental or nervous conditions must at least include:

1. general inpatient hospitalization and outpatient hospital services,
2. psychiatric inpatient hospitalization and outpatient hospital services,
3. intensive outpatient services, and
4. partial hospitalization.

The act specifies that these services may be provided at state-operated facilities.

The act requires policies to also cover:

1. evidence-based maternal, infant, and early childhood home visitation services designed to improve health outcomes for pregnant women, postpartum mothers, and newborns and children, including for maternal substance use disorders or depression and relationship-focused interventions for children with mental or nervous conditions or substance use disorders;
2. intensive, home-based services designed to address specific mental or nervous conditions in a child while remediating problematic parenting practices and addressing other family and educational challenges that affect the child's and family's ability to function (PA 15-5, June Special Session, §§ 43-46 eliminates the requirement for services to remediate problematic parenting practices and address other family and educational challenges);
3. intensive, family- and community-based treatment programs focusing on

environmental systems impacting chronic and violent juvenile offenders (PA 15-5, June Special Session, §§ 43-46 delays this requirement until January 1, 2017);

4. evidence-based, family-focused therapy specializing in juvenile substance use disorders and delinquency (PA 15-5, June Special Session, §§ 43-46 repeals the requirement that such therapy also focus on delinquency);
5. short-term family therapy intervention and juvenile diversion programs targeting at-risk children to address adolescent behavior problems, conduct disorders, substance use disorders, and delinquency (PA 15-5, June Special Session, §§ 43-46 repeals the (1) juvenile diversion program coverage provision and (2) requirement for coverage to target at-risk children and address adolescent behavior problems, conduct disorders, substance use disorders, and delinquency);
6. other home-based, therapeutic interventions for children (PA 15-5, June Special Session, §§ 43-46 delays this requirement until January 1, 2017);
7. chemical maintenance treatment (i.e., admitting a person for the planned use of a prescribed substance under medical supervision) (PA 15-5, June Special Session, §§ 43-46 delays this requirement until January 1, 2017);
8. nonhospital inpatient, medically monitored, or ambulatory detoxification;
9. inpatient services at psychiatric residential treatment facilities;
10. extended day treatment programs for emotionally disturbed, mentally ill, behaviorally disordered, or multiply handicapped children and youth (PA 15-5, June Special Session, §§ 43-46 delays this requirement until January 1, 2017);
11. rehabilitation services provided in a residential treatment facility, general hospital, psychiatric hospital, or psychiatric facility;
12. observation beds in acute hospital settings;
13. psychological and neuropsychological testing by an appropriately licensed health care provider;
14. trauma screening by a licensed behavioral health professional;
15. depression screening, including maternal depression screening, by a licensed behavioral health professional; and

16. substance use screening by a licensed behavioral health professional.

Acute Treatment and Clinical Stabilization Services

The act also requires policies to cover medically necessary acute treatment and clinical stabilization services. “Acute treatment” is 24-hour medically supervised treatment for a substance use disorder provided in a medically managed or monitored inpatient facility. “Clinical stabilization” is 24-hour, clinically managed post-detoxification treatment, including relapse prevention, family outreach, aftercare planning, and addiction education and counseling.

COVERAGE FOR APRN-PROVIDED SERVICES

The act requires policies to cover APRN-provided services for mental or nervous conditions. By law, policies must cover such services when provided by (1) licensed physicians, psychologists, clinical social workers, marital and family therapists, and professional counselors; (2) certain certified marital and family therapists; (3) independent social workers; (4) licensed or certified alcohol and drug counselors; and (5) under certain circumstances, certified nurse practitioners (CGS §§ 38a-499 & 38a-526). (Certified nurse practitioners are also APRNs.)

MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES WORKING GROUP

The act requires the insurance commissioner and the healthcare advocate to convene a mental health and substance use disorder services working group by September 1, 2015. The group must study and recommend policies that, with respect to utilizing inpatient mental health services and substance use disorder services, improve the alignment of utilization review procedures and health insurance coverage with treating health care providers' clinical recommendations.

The working group must, at least, include health insurance industry representatives, health care providers, and consumers.

The commissioner and healthcare advocate must submit the group's recommendations to the Insurance and Real Estate and Public Health committees by January 1, 2016.

(PA 15-5, June Special Session, § 515 repeals all of the above working group provisions.)

BACKGROUND

Mental or Nervous Conditions

By law, “mental or nervous conditions” are mental disorders defined in the most recent edition of the

American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM). This does not include (1) intellectual disabilities, (2) specific learning disorders, (3) motor disorders, (4) communication disorders, (5) caffeine-related disorders, (6) relational problems, and (7) other conditions that may be a focus of clinical attention but are not defined as mental disorders in the DSM (CGS §§ 38a-488a & 38a-514).

Related Federal Law

Under the federal Patient Protection and Affordable Care Act (ACA) (P.L. 111-148), a state may require health plans sold through the state’s health insurance exchange to offer benefits beyond those included in the ACA's required “essential health benefits,” provided the state defrays the cost of those additional benefits. The requirement applies to benefit mandates a state enacts after December 31, 2011. Thus, the state must pay the insurance carrier or enrollee to defray the cost of any new benefits mandated after that date.

PA 15-247—sSB 1023

Insurance and Real Estate Committee

AN ACT CONCERNING REVISIONS TO THE HEALTH INSURANCE STATUTES

SUMMARY: This act makes numerous changes in the insurance statutes.

The act requires health insurers to file small employer group health insurance premium rates with the insurance commissioner and prohibits them from issuing or delivering policies or certificates in Connecticut to small employers unless the commissioner approves the rates (§ 7). By law, the commissioner already must review and approve rates for individual health insurance policies, HMO contracts, and hospital and medical service corporation contracts.

The act requires insurers, HMOs, and hospital and medical service corporations to include in their rate filings an actuarial memorandum, including pricing assumptions, claims experience, and premium rates and loss ratios from the policy’s or contract’s inception (§§ 1, 3, 5, & 7). It defines “loss ratio” as the ratio of incurred claims to earned premiums by the number of years of policy duration for all combined durations.

Under the act, when the insurance commissioner disapproves a group health insurance policy form, she must (1) notify the insurer in writing of the disapproval and reasons for it and (2) prohibit the insurer from issuing the form to anyone in the state (§ 7).

The act also prohibits individual and group health insurance policies from reducing a person’s coverage

because he or she is eligible for Medicare due to age, disability, or end-stage renal disease (§§ 6 & 23). It allows a coverage reduction when a person is actually enrolled in Medicare, but only to the extent Medicare provides coverage. Prior law prohibited group health insurance policies issued to employers with (1) fewer than 20 employees from reducing coverage when a person, because of age, was eligible for but not enrolled in Medicare and (2) 20 or more employees from discriminating against a person in terms of benefits because he or she turned age 65.

Additionally, the act makes numerous changes in the insurance statutes to conform state law to the federal Patient Protection and Affordable Care Act (ACA, P.L. 111-148, as amended). It redefines “small employer” to mean, as of January 1, 2016, an employer with between one and 100 employees, not including a sole proprietor (§ 17). Prior law defined it as an employer with one to 50 employees, including a self-employed person. The act allows the commissioner to postpone the January 1, 2016 date if the U.S. Health and Human Services secretary postpones the change in definition under the ACA.

The act:

1. expands the prohibition on preexisting condition provisions (§ 8);
2. requires insurers, HMOs, and similar entities (“entities”) to make individual and small employer group health insurance policies and contracts available on a guaranteed issue basis (i.e., the entity must accept every applicant) (§§ 6 & 19);
3. eliminates a requirement for entities to offer people covered under a group policy a right to convert to individual coverage upon termination of group coverage (i.e., conversion privilege), which is no longer necessary because of guaranteed issue requirements (§§ 9-12);
4. prohibits entities from using gender, industry, and group size as rating factors for small employer group health insurance policies (§ 19);
5. allows entities to use (a) provider networks and administrative expenses as rating factors for individual and small employer group health insurance policies and (b) tobacco use as a rating factor for individual health insurance policies (§§ 6, 19, & 20);
6. requires small employer group health insurance policies to provide a special enrollment period for certain eligible employees and dependents, similar to the prior law regarding late enrollees (§ 19); and
7. eliminates requirements that insurers, the Health Reinsurance Association (HRA), and

the Connecticut Small Employer Health Reinsurance Pool (CSHERP) offer certain statutory benefit plans (§§ 13-17, 21-22, & 38).

Lastly, the act eliminates obsolete provisions and makes other minor, technical, and conforming changes (§§ 24-38).

EFFECTIVE DATE: Upon passage, except for a provision that allows insurers to vary premium rates for certain small employer health insurance policies to reflect the policies’ different provider networks and administrative expenses (§ 20), which is effective January 1, 2016.

§ 8 — PREEXISTING CONDITION PROVISIONS

The act broadens the prohibition on the inclusion of preexisting condition provisions in individual and group health insurance plans or arrangements issued by insurers, HMOs, fraternal benefit societies, and hospital or medical service corporations. It prohibits their inclusion for anyone, including adults. The law already prohibits preexisting condition provisions for children under age 19. Prior law allowed preexisting condition provisions for adults that did not extend beyond the first 12 months of coverage.

A “preexisting condition provision” limits or excludes coverage for a condition that existed before the coverage effective date for which any medical advice, diagnosis, care, or treatment was recommended or received before the effective date.

§§ 6, 19, & 20 — RATING HEALTH INSURANCE POLICIES

Grandfathered and Non-grandfathered Plans

The act distinguishes between grandfathered and non-grandfathered plans with regard to permissible rating practices for individual and small employer group health insurance policies or plans. A “grandfathered plan” is a health insurance policy or plan that was in existence on March 23, 2010 (before the ACA took effect) and has not been changed in ways that substantially reduce benefits or increase costs for consumers.

Individual Rating

The act sets out rating provisions for individual health insurance policies or plans written by insurers, HMOs, and hospital and medical service corporations. It specifies that health insurance issued to an association or other insurance arrangement not made up solely of employer groups must be treated as individual health insurance.

Under the act, grandfathered individual health insurance policies and plans must be community rated

(i.e., the premium rates offered or charged must be set based on a single pool of all grandfathered plans).

The act requires non-grandfathered individual health insurance policies and plans to be rated using modified community rating. Thus, premiums offered or charged must be set based on a single pool of all non-grandfathered plans but may then be adjusted to reflect the covered person's age, geographic area, and tobacco use. A rate factoring in tobacco use may not vary by a ratio of more than 1.5 to 1.0 and may only be applied with respect to people who may legally use tobacco. "Tobacco use" means using tobacco four or more times a week on average within the preceding six-month period, but excludes religious or ceremonial use.

Under the act, total premium rates for family coverage under non-grandfathered plans must be determined by adding the premiums for each family member, but for children under age 21, only the premiums for the three oldest children may be added.

The act permits premium rates for grandfathered or non-grandfathered plans to vary based on actuarially justified amounts to reflect differences in the plans' benefit designs, provider networks, and administrative expenses.

Small Employer Rating

The act sets out rating provisions for small employer group health insurance policies or plans written by insurers, HMOs, and hospital and medical service corporations. It specifies that associations of small employers, as well as health insurance plans and other arrangements covering small employers, are subject to its provisions.

The act retains existing law with respect to rating grandfathered plans. Thus, it allows the entities to charge rates for grandfathered small employer group plans that are based on a community rate (i.e., single pool of plans) and adjusted to reflect various classifications, such as age, gender, geographic area, industry, group size, family composition, and administrative savings for certain associations.

For non-grandfathered plans, the act eliminates gender, industry, group size, and administrative savings as permissible rating factors. Upon passage, the act allows rates for non-grandfathered small employer group plans to be based on a community rate and adjusted to reflect only age, geographic area, and plan design. Beginning January 1, 2016, it also allows the rates to vary by actuarially justified amounts to reflect the plan's provider network and administrative expense differences.

Under the act:

1. total premium rates for family coverage under non-grandfathered plans must be determined by adding the premiums for each family

member, but for children under age 21, only the premiums for the three oldest children may be added and

2. premium rates for a small employer group must be determined by calculating the premium rate for each covered employee and dependent and totaling the premiums attributable to each.

§ 19 — SPECIAL ENROLLMENT PERIOD

The act requires small employer group health insurance plans to provide a special enrollment period for eligible employees and dependents in accordance with federal regulation. This is similar to state law regarding late enrollees.

Under federal regulations, a health insurance issuer may restrict enrollment to (1) an open enrollment period when people may purchase health insurance and (2) special enrollment periods when people who experience qualifying life-changing events may purchase health insurance (45 CFR 147.104). Qualifying events include changes in marriage status, dependents, or employment status, among other things. The plans must give a person 30 days from the date of a qualifying event to elect coverage.

The act also requires plans to provide a special enrollment period for an employee whom a court has ordered to provide coverage for a spouse or minor child. The employee must request enrollment within 30 days after the court's order.

§§ 13-17, 21-22, & 38 — HEALTH REINSURANCE ASSOCIATION (HRA) AND CONNECTICUT SMALL EMPLOYER HEALTH REINSURANCE POOL (CSEHRP)

HRA is a nonprofit entity whose members include insurers and HMOs doing business in Connecticut. It serves as the state's insurer of last resort. CSEHRP is a reinsurance pool through which member insurers purchase reinsurance coverage for an entire small group or for certain eligible employees or dependents in a group, generally those the insurer believes are high risk (i.e., likely to have high claim costs).

The act eliminates the requirement that HRA make individual and group comprehensive health care plans available to people unable to obtain insurance coverage through other means. The ACA instead requires insurers to offer plans that cover essential health benefits on a guarantee issue basis. Under prior law, individual and group comprehensive health care plans included specified minimum benefits, including coverage for catastrophic illness and a lifetime maximum coverage of \$1 million.

The act also eliminates the requirement that CSEHRP make special health care plans available to

previously uninsured small employers. Prior law required the CSEHRP board of directors to develop these plans as a lower-cost health insurance coverage option for uninsured small employers.

The act retains HRA and CSEHRP as the entities that will provide reinsurance in the individual and small employer group markets, respectively. Under the act, HRA may administer state or federal programs that may be required or permitted, with the insurance commissioner's approval. The act also requires the CSEHRP board of directors to develop a family health statement, instead of an underwriting plan, for insurers to use to determine whether to cede covered lives to the reinsurance pool. The insurance commissioner must approve the statement.

PA 15-7—SB 1029
Judiciary Committee

AN ACT CONCERNING A NONADVERSARIAL DISSOLUTION OF MARRIAGE

SUMMARY: This act creates an expedited court process that allows a judge to enter a divorce decree without a hearing for certain nonadversarial divorce actions. Among other things, it:

1. allows parties to a marriage to file a notarized joint petition to begin the divorce process if, among other things, (a) they have not been married for more than eight years, (b) they have no children or real property, (c) at least one party is a Connecticut resident, (d) the total combined net fair market value of all property owned by either party is less than \$35,000, and (e) neither party has a defined benefit pension plan;
2. requires the (a) joint petition to be accompanied by certain documents, including financial affidavits and (b) parties to waive any right to a trial, alimony, spousal support, or an appeal;
3. allows a settlement agreement to be incorporated in the divorce decree if the court finds it fair and equitable;
4. allows parties to terminate the nonadversarial expedited process at any time before the court enters a decree; and
5. establishes timeframes for court review and termination of the expedited process.

The act requires the court to place the action on the Superior Court’s regular family court docket if it does not enter a divorce decree after review of the joint petition and any related settlement agreement.

The act also allows parties to a divorce or legal separation action on the Superior Court’s regular family docket to waive existing law’s waiting periods for such actions if they have an agreement, make certain attestations, and request such a waiver.

EFFECTIVE DATE: October 1, 2015

NONADVERSARIAL DIVORCE

Under the act, if certain conditions exist, parties to a marriage may begin an action for a nonadversarial divorce by filing a notarized joint petition in the judicial district in which one of the parties resides.

Conditions

The action may proceed if, at the time of filing, the parties attest, under oath, that:

1. the marriage has broken down irretrievably;
2. they have not been married for more than eight

- years;
3. neither party is pregnant;
4. no children were born to or adopted by the parties prior to, or during, the marriage;
5. neither party has any interest or title in real property;
6. the total combined fair market value of all property owned by either party, excluding all encumbrances, is less than \$35,000;
7. neither party has a defined benefit pension plan;
8. neither party has filed for bankruptcy;
9. neither party is applying for or receiving Medicaid benefits;
10. no other action for dissolution of marriage, civil union, legal separation, or annulment is pending in any jurisdiction;
11. no civil restraining order or protective order between the parties is in effect; and
12. at least one party is a Connecticut resident.

One or both parties must notify the court if any of these conditions changes before the court enters the divorce decree.

Other Requirements and Supporting Documents

In addition to attesting to the above conditions, the joint petition must also state the date and place of marriage and each party’s current residential address. It must be accompanied by:

1. financial affidavits completed by each party on a form prescribed by the Chief Court Administrator’s Office;
2. a request for the restoration of a birth name or former name, if desired by either party;
3. a certification attested to by the parties, under oath, that (a) they agree to proceed by consent and waive service of process; (b) neither party is acting under duress or coercion; and (c) each party is waiving any right to a trial, alimony, spousal support, or an appeal; and
4. a settlement agreement, if the parties wish to have one incorporated in the divorce decree.

Revocation

Either party may revoke a nonadversarial divorce action by filing a notice of revocation with the court clerk at any time before the court enters the divorce decree. The revoking party must notify the other party by first-class mail, postage prepaid, at the other party’s residential address provided on the joint petition. Under the act, the filing of a revocation notice terminates the nonadversarial divorce action.

If a party files a revocation notice, the action must be placed on the Superior Court’s regular family docket

and the provisions that govern divorce under existing law apply, except for service of process and complaint filing requirements. The act prohibits the court from imposing new filing fees.

Decree of Dissolution Without a Hearing

All nonadversarial dissolution actions must be assigned a disposition date at least 30 days after the petition filing date. The required 90-day waiting period under law for divorce actions on the Superior Court's regular family docket does not apply to nonadversarial divorce actions.

If a notice of revocation has not been filed and the parties have not been otherwise notified, the court may enter a divorce decree without a hearing. It may do so on the disposition date, or within five days after the disposition date, if it finds that (1) the required conditions exist and (2) any settlement agreement is fair and equitable (see below). If the court enters a divorce decree without a hearing, the clerk must send a notice to each party at the residential addresses provided on the joint petition.

Under the act, such a divorce decree gives the parties the status of unmarried persons who may marry again. The divorce decree is a final adjudication of the parties' rights and obligations with respect to their marriage and property rights.

Either party may initiate an action to set aside the final judgment for fraud, duress, accident, mistake, or other legal or equitable grounds.

Court's Review of the Joint Petition and Supporting Documents

If, after review of the joint petition, the court does not enter a divorce decree, it must (1) place the matter on the docket for a date within 30 days after the assigned disposition date and (2) require the parties to appear in court in order to determine whether (a) the conditions and other criteria for a nonadversarial dissolution of marriage have been met and (b) a divorce decree may be entered. It may also terminate the nonadversarial dissolution action and place the matter on the Superior Court's regular family docket.

Settlement Agreement

If the parties wish to have a settlement agreement incorporated in the nonadversarial divorce decree, they must submit it to the court with the joint petition and attest, under oath, that its terms are fair and equitable. If the court finds that the agreement is fair and equitable, the court must incorporate it by reference in the decree.

Court Cannot Make a Determination. If after review the court cannot determine whether the settlement agreement is fair and equitable, it must place

the matter on the docket for a date within 30 days after the assigned disposition date and order the parties to appear in court on that date.

Court Finds Agreement is Not Fair and Equitable on its Face. If the court cannot find the agreement to be fair and equitable on its face, it may terminate the nonadversarial divorce action and place the matter on the Superior Court's regular family docket.

DIVORCE OR LEGAL SEPARATION WAITING PERIOD WAIVER

The act allows the court, on request and under certain circumstances, to waive the waiting periods prescribed under law for divorce or legal separation actions on the Superior Court's regular family docket. The court may do this for parties who (1) file a motion requesting such a waiver; (2) attest, under oath, that they have an agreement on the terms of the divorce or legal separation; and (3) wish the court to enter a divorce decree or legal separation before the waiting periods expire.

By law, parties to such actions must wait 90 days before the court may issue an order, but a longer period may apply if a party requests conciliation, a party fails to attend a requested conciliation, or a cross or amended complaint is filed.

PA 15-9—SB 919

Judiciary Committee

AN ACT CONFIRMING AND ADOPTING VOLUMES 1 TO 13, INCLUSIVE, OF THE GENERAL STATUTES, REVISED TO 2015

SUMMARY: This act formally adopts, ratifies, confirms, and enacts the General Statutes revised to January 1, 2015.

EFFECTIVE DATE: Upon passage

PA 15-14—sHB 6961

Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act makes numerous technical changes, including replacing improper and outdated references. For example, it replaces references to the (1) Connecticut Correctional Institution, Niantic with York Correctional Institution, the current name for the prison in Niantic, and (2) Connecticut Prison

Association with Community Partners in Action, the name the entity now uses.

EFFECTIVE DATE: October 1, 2015

PA 15-28—sSB 1032

Judiciary Committee

AN ACT CONCERNING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO CONSTRUCTION AND DESIGN ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE

SUMMARY: This act subjects the state and its political subdivisions to a statute of limitations for bringing certain actions and claims arising out of construction-related work involving the improvement of real property. Under the act, the period of time for bringing such actions and claims depends on the date the improvement is substantially completed and the nature of the action or claim.

To recover damages for a deficiency arising out of construction-related work or personal or property injury or wrongful death arising out of any such deficiency, the state or any of its political subdivisions must bring the action or claim in contract, tort, or otherwise:

1. within 10 years after the date of substantial completion for improvement that is substantially complete on or after October 1, 2017 or
2. by October 1, 2027 for improvement that is substantially complete before October 1, 2017.

For a contribution or indemnity arising out of construction-related work, the state or any of its political subdivisions must bring the action or claim by the later of three years after the date an action or claim against the state or its political subdivision has been determined or:

1. 10 years after the date of substantial completion for improvement that is substantially complete on or after October 1, 2017 or
2. October 1, 2027 for improvement that is substantially complete before October 1, 2017.

The act exempts certain actions and claims from these time limitations.

It also prohibits any additional limitation to actions brought in the name or for the benefit of the state and any claim of right based on the lapse of time against the state.

EFFECTIVE DATE: October 1, 2017

CONSTRUCTION-RELATED WORK

Under the act, "construction-related work" means the design, construction, construction management, planning, construction administration, surveying, supervision, inspection, or observation of construction of improvements to real property.

IMPROVEMENT SUBSTANTIALLY COMPLETE

Under the act, with certain exceptions, an improvement to real property is substantially complete when the property is first (1) used by the state, its political subdivisions, or a tenant or (2) available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever is earlier. Improvement to public highways, bridges, or railroad right-of-ways or ferry, port, or airport infrastructure is substantially complete when a certificate of acceptance of the work is issued by the state or its political subdivisions that relieves the contractor of maintenance responsibility.

EXCEPTIONS

The statute of limitations established by the act does not apply to an action or claim:

1. on a written warranty, guarantee, or other agreement, including a tolling agreement, that expressly provides for a longer effective period;
2. based on willful misconduct in connection with the performance or furnishing of construction-related work;
3. under any environmental remediation law or contract entered into by the state or its political subdivision in carrying out its responsibilities under any environmental remediation law; or
4. under any contract for enclosure, removal, or encapsulation of asbestos.

Under the act, a "tolling agreement" is a written agreement between (1) the state or any of its political subdivisions and (2) a person performing or furnishing construction-related work, a surety, or an insurer, to extend the limitation period within which the state or its political subdivision may bring an action or claim against such person, surety, or insurer.

BACKGROUND

Related Court Case

In *State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et al.*, the Connecticut Supreme Court unanimously held that the state could proceed with an action for damages against contractors

of the UConn Law School library, notwithstanding the statute of limitations that would otherwise apply. The Court also held that the public works commissioner lacked statutory authority to waive the state's rights by contract, as he had done in this instance (307 Conn. 412 (2012)).

Statute of Limitations for Nongovernmental Parties

By law, the statute of limitations for actions by nongovernmental parties against design professionals is generally seven years after the improvement is substantially complete. But, in the case of an injury to property or persons or wrongful death arising from an injury when the injury occurred during the seventh year after substantial completion, an action in tort to recover damages may be brought within one year after the date of injury but no more than eight years after substantial completion of the improvement (CGS § 52-584a).

PA 15-48—sSB 967

Judiciary Committee

AN ACT CONCERNING REVISIONS TO THE CONNECTICUT BUSINESS CORPORATION ACT, THE UNIFORM LIMITED PARTNERSHIP ACT AND THE CONNECTICUT LIMITED LIABILITY COMPANY ACT

SUMMARY: This act makes a number of changes in the business corporation statutes. It:

1. removes time limits on the validity of voting trusts and shareholder agreements and allows the agreements creating them to set their term, for agreements taking effect after September 30, 2015;
2. requires qualifications for corporate directors or nominees for director to be reasonable and adds specific provisions about qualifications;
3. limits when business corporations may indemnify and advance expenses to officers;
4. eliminates statutory provisions indemnifying and advancing expenses to corporate employees and agents but does not otherwise limit a corporation's ability to provide these protections;
5. changes the documentation requirements for a director seeking an advance of funds or reimbursement for reasonable expenses incurred during the course of a legal proceeding that involves him or her as director;
6. makes minor changes regarding proxies; and
7. makes technical and conforming changes and corrects an improper reference.

The act also allows the reinstatement of a limited liability company (LLC) or limited partnership (LP), after its administrative dissolution or cancellation for failure to maintain an agent for service of process or file its annual report, to relate back to the effective date of the dissolution.

EFFECTIVE DATE: October 1, 2015

§ 1 — PROXIES

Electronic Appointments

By law, a shareholder or his or her agent or attorney may appoint a proxy to vote or act on the shareholder's behalf by electronically transmitting the appointment. The act requires the electronic transmission to contain or be accompanied by information that allows someone to determine that the transmission is authorized by the shareholder, agent, or attorney.

Revocability

By law, a proxy is irrevocable if (1) it states it is irrevocable and (2) the appointment is coupled with an interest, which includes appointment of someone who purchases or agrees to purchase the shares, a corporate employee whose employment contract requires appointment, or a party to a voting agreement.

By law, someone who purchases shares subject to an irrevocable appointment may revoke the appointment if he or she did not know of it when acquiring the shares and the appointment was not noted conspicuously on certain documents. The act specifies that an irrevocable appointment continues after other transfers unless the appointment provides otherwise.

§ 2 — VOTING TRUST

By law, shareholders may sign an agreement to create a voting trust that gives a trustee the right to vote or act on their behalf. Prior law limited a voting trust's validity to no more than 10 years but allowed the parties to extend it for additional terms of up to 10 years each. The act establishes new rules for the length of voting trusts' validity:

1. For voting trusts that become effective starting October 1, 2015, the act allows the trust to set any time limit.
2. For voting trusts effective before October 1, 2015, the act retains the 10-year limit but allows (a) the parties to unanimously agree to amend the trust to provide a longer limit or (b) all or some of the parties to extend the trust, and bind the signing parties, for up to 10 additional years in the same manner as previously allowed. (The parties must sign a binding agreement, obtain the trustee's consent

to the extension, and deliver copies of the agreement and a list of beneficial owners to the corporation.)

§ 3 — SHAREHOLDER AGREEMENTS

The law allows shareholders to form agreements between them and the corporation on certain topics, even if they are inconsistent with the statutes governing corporations. These agreements may include such things as eliminating the board, requiring dissolution under certain circumstances, restricting the board's powers or discretion, establishing who is a director or officer, specifying how voting power is exercised by shareholders and directors, and outlining how corporate powers are used and the corporation's affairs managed.

The act removes a default 10-year term that applied to these agreements unless the agreement provided otherwise by allowing agreements entered into beginning October 1, 2015 to provide any time limit.

§ 4 — QUALIFICATIONS FOR DIRECTORS AND NOMINEES

The act specifies that the certificate of incorporation or corporate bylaws may set the qualifications for nominees for director, as well as for directors as authorized by existing law.

By law, a director does not need to be a state resident or shareholder unless the certificate or bylaws requires it. For directors and nominees, the act:

1. requires any qualification set by the certificate or bylaws to be lawful and reasonable and
2. prohibits requirements based on past, current, or prospective actions or expressions of opinions that could limit the person's ability to discharge a director's duties but allows a qualification that a person have (a) no past or current criminal, civil, or regulatory sanctions or (b) not been removed as a director by judicial action or for cause.

The act provides that a qualification for nomination applies to a person only if it is prescribed before he or she is nominated. Qualifications for directors prescribed before a director's term starts can apply at the time the individual becomes a director or during the term, but those prescribed during a director's term do not apply during that term.

§§ 6-10 — INDEMNIFICATION

Officers

The act limits when business corporations may indemnify and advance expenses to officers who are not also directors. The law allows a corporation to provide these protections under a contract, the corporation's

certificate of incorporation or bylaws, or a board resolution. The act prohibits indemnification and advancing expenses based on liability from a legal proceeding by or on behalf of the corporation, other than for expenses incurred connected to the proceeding. It also prohibits it when the officer's conduct:

1. was a knowing and culpable violation of law;
2. enabled the officer to receive an improper personal gain;
3. showed a lack of good faith and conscious disregard for the officer's duty to the corporation under circumstances in which the officer was aware that his or her conduct or omission created an unjustifiable risk of serious injury to the corporation; or
4. was a sustained and unexcused pattern of inattention amounting to an abdication of the officer's duty to the corporation.

The act also specifies that the indemnification laws do not limit a corporation's power to reimburse expenses that an officer incurs when appearing as a witness in a proceeding when he or she is not a party. Corporations already have this power for directors.

Employees and Agents

The act eliminates statutory rules on how corporations indemnify, advance expenses to, and insure employees and agents. These rules previously treated employees and agents the same as officers.

The act provides that it does not limit a corporation's ability to indemnify, advance expenses to, or provide insurance for an employee or agent. Thus, corporations may still provide these protections to employees and agents subject to any common law rules that may apply and contracts the corporations may have with their employees or agents.

Directors

Documentation. The act changes the documentation requirements for a director seeking an advance of funds or reimbursement for reasonable expenses incurred during the course of a legal proceeding that involves him or her as director.

It eliminates the requirement that the director submit to the corporation a signed written affirmation:

1. of his or her good faith belief that he or she has followed the relevant standard of conduct and will be entitled to indemnification under the statutes or the certificate of incorporation or
2. that the proceeding involves conduct covered by a liability protection in the certificate of incorporation. (The law allows the certificate to limit a director's personal liability to the corporation or its shareholders for certain

breaches of his or her duty as director.)

Under existing law, unchanged by the act, the director must submit a signed written undertaking to repay the funds if (1) he or she is not entitled to mandatory indemnification under the statutes because he or she was not wholly successful in defending the proceeding and (2) it is ultimately determined that he or she has not met the relevant standard of conduct to qualify for indemnification.

Committee Approval. The law allows a majority vote of a board committee consisting of at least two qualified directors to authorize these advance payments. The act specifies that the committee must consist only of qualified directors. Generally, qualified directors are directors who are not parties in the court proceeding and do not have a material relationship with a director who is a party.

§§ 11 & 12 — REINSTATEMENT OF LLC OR LP

By law, the secretary of the state may dissolve an LLC or cancel an LP by forfeiture if the entity fails to (1) maintain a statutory agent for service of process or (2) file its annual report for more than one year. But, the LLC or LP may apply for reinstatement.

Under the act, the LLC's or LP's reinstatement in these circumstances relates back and is effective as of the dissolution's or cancellation's effective date. Once reinstated, the entity resumes carrying out business as if the dissolution or cancellation never occurred. Previously, when these entities were reinstated for these or other reasons, reinstatement took effect when the certificate of reinstatement was filed with the secretary.

PA 15-67—HB 6925

Judiciary Committee

AN ACT CONCERNING THE STATUTE OF REPOSE IN HAZARDOUS CHEMICAL CASES RESULTING IN THE DEATH OF A PERSON

SUMMARY: This act extends the time for bringing wrongful death lawsuits in cases involving exposure to hazardous chemicals or hazardous pollutants. It generally allows these lawsuits to be brought up to two years after the injury or damage is discovered or, in the exercise of reasonable care, should have been discovered, as is already the case for personal injury or property damage lawsuits alleging this exposure.

Under prior law, as with most wrongful death actions, these hazardous exposure cases had to be brought within two years from the date of death, but no later than five years after the act or omission giving rise to the claim. (The two-year limit is often referred to as the statute of limitations and the five-year limit as the

statute of repose.)

Under the act, the prior limiting periods still apply to lawsuits against (1) water companies regulated by the Public Utilities Regulatory Authority, (2) municipal waterworks systems, or (3) regional water authorities.

EFFECTIVE DATE: October 1, 2015 and applicable to cases pending on or filed on or after that date.

BACKGROUND

Related Case

In a 2006 case, the surviving spouses and estate representatives of deceased former employees brought a wrongful death action against the employer concerning alleged exposure to hazardous chemicals. The decedents did not show symptoms of the alleged exposure until after the five-year repose period that applies to wrongful death actions had passed (CGS § 52-555). The state Supreme Court held that under existing law, the claims were subject to that statute, rather than to the limitation period that applies to personal injury cases alleging hazardous chemical exposure (CGS § 52-577c) (*Greco v. United Technologies Corp.*, 277 Conn. 337 (2006)).

PA 15-84—SB 796

Judiciary Committee

AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES

SUMMARY: This act makes a number of changes related to sentencing and parole release of offenders who were under age 18 when they committed crimes. It:

1. retroactively eliminates (a) life sentences for capital felony and arson murder and (b) convictions for murder with special circumstances;
2. establishes alternative parole eligibility rules that can make someone sentenced to more than 10 years in prison eligible for parole sooner;
3. requires criminal courts, when sentencing someone transferred to adult court and convicted of a class A or B felony, to (a) consider certain mitigating factors of youth and (b) indicate the maximum prison term that may apply and whether the person may be eligible for release under the act's alternative parole eligibility rules; and

4. prohibits a child convicted of a class A or B felony from waiving a presentence investigation or report (see BACKGROUND) and requires the report to address the same sentencing factors the act requires a criminal court to consider.

The act requires the Sentencing Commission to study how to notify victims of the parole eligibility laws and release mechanisms available to people sentenced to more than two years in prison. The commission must report on its study and any recommendations to the Judiciary Committee by February 1, 2016.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015, and the provisions regarding capital felony, murder with special circumstances, and arson murder apply regardless of when an offender is or was convicted.

§§ 6-9 — SENTENCES FOR OFFENDERS UNDER AGE 18

Under prior law, (1) juveniles could be sentenced to life imprisonment without possibility of release for committing a capital felony and (2) adults could be sentenced to either death or life imprisonment without possibility of release (see BACKGROUND). The act prohibits sentencing someone for a capital felony if he or she was under age 18 when the crime was committed and overturns prior sentences of this type.

The act prohibits convicting someone of murder with special circumstances unless the offender was at least age 18 at the time of the offense. It overturns any prior convictions of this crime for offenders who were under age 18 at the time of the crime. By law, unchanged by the act, this crime is punishable by life imprisonment without the possibility of release (see BACKGROUND).

The act lowers the penalty for arson murder when the offender is under age 18 from life imprisonment, statutorily defined as 60 years without parole, to 25 to 60 years. It applies this change retroactively to decrease the prison sentence of those convicted of committing this crime when under age 18.

The act also makes conforming changes.

§ 2 — CONSIDERATIONS AT SENTENCING

The act requires a court to consider certain factors when sentencing a child transferred to adult criminal court and convicted of a class A or B felony. (The law, as amended by PA 15-183, requires transferring juveniles age 15 to 17 to adult criminal court when charged with a class A felony. Some class B felonies require an automatic transfer while others do not.) In addition to other information relevant to sentencing, the

act requires the court to consider the defendant's age at the time of the offense, the hallmark features of adolescence, and scientific and psychological evidence showing the difference between a child's and adult's brain development.

If the court proposes a lengthy sentence under which it is likely the defendant will die in prison, the act requires the court to consider how evidence of the difference between a child's and adult's brain development counsels against such a sentence.

The act requires the Judicial Branch's Court Support Services Division to compile reference material on adolescent psychology and brain development to help courts sentence children.

§ 1 — PAROLE ELIGIBILITY

Under existing law, someone is generally eligible for parole after serving (1) 50% of his or her sentence minus any risk reduction credits earned if convicted of a nonviolent crime and (2) 85% of his or her sentence if convicted of a violent crime, home invasion, or 2nd degree burglary. Someone convicted of certain crimes, such as murder, is ineligible for parole.

The act establishes alternative parole eligibility rules for someone who (1) commits a crime when he or she is under age 18 and (2) is sentenced to more than 10 years in prison. These rules apply if they make someone eligible for parole sooner than under existing law, and they also apply to someone convicted of a crime who would otherwise be ineligible for parole. Under these rules, someone sentenced to:

1. 10 to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence or
2. more than 50 years in prison is eligible for parole after serving 30 years.

The act's rules apply to offenders incarcerated on and after October 1, 2015 regardless of when the crime was committed or the offender sentenced. The act's eligibility rules do not apply to any portion of a sentence imposed for a crime committed when the person was age 18 or older. Existing parole eligibility rules apply to such a sentence.

Required Hearing

The act requires (1) a parole hearing when someone becomes parole-eligible under the act and (2) the board to notify, at least 12 months before the hearing, the Chief Public Defender's Office, appropriate state's attorney, Department of Correction's (DOC) Victim Services Unit, Office of Victim Advocate, and Judicial Branch's Office of Victim Services. The Chief Public Defender's Office must provide counsel for an indigent inmate.

At the hearing, the act requires the board to allow:

1. the inmate to make a statement;
2. the inmate's counsel and state's attorney to submit reports and documents; and
3. any victim of the person's crime to make a statement, as with other parole hearings.

The board may also request (1) testimony from mental health professionals and relevant witnesses and (2) reports from DOC or others. The board must use validated risk and needs assessment tools and risk-based structured decision making and release criteria. (Existing law requires the board's chairperson to adopt policies on these topics.)

Release Decisions

After the hearing, the act allows the board to release the inmate on parole if:

1. the release (a) holds the offender accountable to the community without compromising public safety; (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community; (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision; (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration; and (e) is fair and promotes respect for the law;
2. it appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and
3. it appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history, including (a) the offender's prison record, age, and circumstances at the time of committing the crime; (b) whether he or she has shown remorse and increased maturity since committing the crime; (c) his or her contributions to others' welfare through service; (d) his or her efforts to overcome substance abuse, addiction, trauma, lack of education, or obstacles he or she faced as a child or youth in prison; (e) the opportunities for rehabilitation in prison; and (f) the overall degree of his or her rehabilitation considering the nature and circumstances of the crime.

The act requires the board to articulate reasons for its decision on the record. If the board denies parole,

the act allows the board to reassess the person's suitability for a hearing at a later time it determines but no sooner than two years after the denial.

The act specifies that the board's decisions under these provisions are not appealable.

BACKGROUND

Related Cases—U.S. Supreme Court

In *Graham v. Florida*, the U.S. Supreme Court ruled that the Eighth Amendment's prohibition against cruel and unusual punishment prohibits states from sentencing defendants under age 18 to life without parole for non-homicide crimes. The Court stated that there must be "some meaningful opportunity" for release based on a defendant's demonstrated maturity and rehabilitation. It said that the Eighth Amendment does not prohibit a juvenile who commits a non-homicide crime from being kept in prison for life but it prohibits making the judgment "at the outset that those offenders never will be fit to re-enter society" (130 S.Ct. 2011 (2010)).

In *Miller v. Alabama*, the U.S. Supreme Court held that the Eighth Amendment prohibits courts from automatically imposing life without parole sentences on offenders who committed homicides while they were juveniles (under 18). The Court did not categorically bar life without parole sentences for juveniles but stated that a court must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison" (132 S.Ct. 2455 (2012)).

Related Cases—Connecticut Supreme Court

In *State v. Riley*, the Connecticut Supreme Court considered how the U.S. Supreme Court's rulings applied to someone convicted of committing homicide and non-homicide crimes while a juvenile. The juvenile in this case received a cumulative 100-year prison sentence. The court ruled that even when a court has discretion in sentencing as it did in this case, *Miller* requires consideration of the juvenile's youth as mitigation before sentencing the juvenile to the functional equivalent of a life sentence without the possibility of release. Because the sentencing court did not consider the factors of youth, the court ordered a new sentencing hearing.

In deference to the legislature and because the new sentence the defendant would receive was uncertain, the court did not consider whether the U.S. Supreme Court's decision in *Graham* would require an opportunity for release when a juvenile is sentenced to the functional equivalent of life in prison (315 Conn. 637 (2015)).

In *Casiano v. Commissioner of Correction*, the Connecticut Supreme Court ruled that *Miller's* requirements to consider certain factors of youth at sentencing apply (1) retroactively to juvenile offenders seeking collateral review of sentences imposed before the U.S. Supreme Court issued its ruling in *Miller* and (2) to a juvenile who received a total effective sentence of 50 years in prison without eligibility for parole (317 Conn. 52 (2015)).

Capital Felony and Murder with Special Circumstances

By law, a person is guilty of a capital felony or murder with special circumstances when he or she murders:

1. certain officers performing their duties, such as a police officer, state marshal, special conservation officer, or DOC employee;
2. for pay or hires someone to murder;
3. after a previous conviction for intentional murder or murder while committing a felony;
4. while sentenced to life imprisonment;
5. someone that he or she kidnapped;
6. while committing 1st degree sexual assault;
7. two or more people at the same time or in the course of a single transaction; or
8. a person under age 16.

If the crime occurred before April 25, 2012, it is classified as a capital felony.

Presentence Investigation Report

The law requires a presentence investigation for anyone convicted of a felony for the first time in Connecticut. The court may request it for any crime or offense other than a capital felony or murder with special circumstances. (The judge does not have the same discretion when imposing a sentence for these crimes as he or she does with most crimes.) Probation officers prepare the report, which includes information on the circumstances of the offense; the victim's attitude; and the defendant's criminal record, social history, and present condition.

PA 15-85—sSB 1033
Judiciary Committee

**AN ACT CONCERNING COURT OPERATIONS
AND THE CLAIM AGAINST THE STATE OF
LORI CALVERT**

SUMMARY: This act makes a number of unrelated changes regarding court procedures and personnel. Among other things, it:

1. eliminates a requirement that a municipality file a statement with the court indicating that it will pay any final judgment against one of its employees, in certain situations;
2. gives courts authority to return cases appealing certain municipal decisions to the municipal official, board, or commission that made the decision, for further proceedings;
3. allows family support referees to perform marriages and validates certain marriages they performed without explicit statutory authority;
4. allows a judicial marshal to serve a copy, instead of only an original, of certain *capias* orders (court orders to take a person into custody);
5. replaces certain provisions requiring a bond or recognizance from a party in a civil action with new provisions prohibiting them, unless a court finds good cause;
6. eliminates provisions regarding publication of select Superior Court decisions and allows the Commission on Official Legal Publications to publish more legal documents solely in an alternative format, including electronically;
7. eliminates a requirement that Superior Court judges appoint one skillful stenographer as the official court reporter for the Superior Court in each judicial district and as many stenographers to be assistant court reporters as necessary for the courts' business, and instead requires them to appoint court reporters as necessary for the courts' business (§ 9);
8. eliminates certain court fees related to civil protection orders;
9. allows someone subject to a restraining or civil protection order to have certain legal documents served on the person protected by the order without being criminally liable for violating the order;
10. requires use of an Office of Chief Court Administrator-prescribed form, rather than one approved by court rules, when notifying victims of a defendant's application to participate in one of the following programs that allow the defendant to avoid prosecution: accelerated rehabilitation, pretrial alcohol education, and pretrial supervised diversion for people with psychiatric disabilities and certain veterans with mental health conditions (§§ 19-21);
11. excludes life insurance benefits from the type of insurance benefits the Office of Victim Services (OVS) or a victim compensation commissioner may consider when determining the appropriate compensation to pay a crime victim; and

12. requires the Litchfield Judicial District Superior Court clerk to pay the Warren Cemetery Association treasurer the balance of a fund the clerk holds in trust under a 1917 special act, thus eliminating the clerk's responsibility for the fund.

The act also authorizes Lori Calvert, by June 24, 2016, to file a claim against the state with the claims commissioner notwithstanding the failure to file a proper notice with the claims commissioner within the required timeframe (see BACKGROUND) (§ 25).

EFFECTIVE DATE: October 1, 2015, except the provisions on family support referees performing marriages, civil protection order court fees, the Warren Cemetery Association, and the claim against the state take effect upon passage.

§ 1 — CASES INVOLVING INDEMNIFICATION OF MUNICIPAL EMPLOYEES

In most circumstances, the law requires municipalities to pay, on behalf of their employees, any damages the employees are obligated to pay in an action for infringing a person's civil rights or causing physical damage to a person or property in the performance of the employees' duties and within the scope of their employment.

By law, the same attorney can represent the municipality and employee. The act eliminates a (1) requirement that the municipality file a statement with the court indicating that it will pay any final judgment against the employee and (2) prohibition on the attorney mentioning the statement during trial.

§§ 2 & 3 — COURT AUTHORITY TO RETURN CASES TO CERTAIN MUNICIPAL BOARDS OR OFFICERS

By law, someone can appeal to Superior Court from a decision of a municipal zoning commission, planning commission, planning and zoning commission, or zoning board of appeals; certain other municipal boards or commissions; or in the case of illegal dumping, a municipal chief elected official or his or her designee.

The act gives the court more options when disposing of these cases on appeal. It allows the court to return the case to the board, commission, or official in a manner consistent with the evidence on the record. Existing law gives the court authority to modify or revise the board's decision. The act requires any modification or revision to be consistent with the evidence on the record.

For appeals from a municipal inland wetlands agency, the law allows the court to set aside the agency's action or modify it if the action constitutes a taking without compensation. For appeals not involving

such a taking, the act allows the court, after a hearing, to reverse, affirm, modify, or return the decision in a manner consistent with the evidence in the record.

§§ 4 & 5 — FAMILY SUPPORT REFEREES PERFORMING MARRIAGES

The act allows family support referees to perform marriages. By law, family support referees are retired family support magistrates who continue to perform certain functions. By law, family support magistrates and specified others can conduct marriages.

The act validates marriages performed before June 24, 2015 that would have been valid except that a family support referee:

1. performed the ceremony without explicit statutory authority to do so and
2. represented himself or herself as qualified, and the marrying couple reasonably relied on that representation.

§ 6 — JUDICIAL MARSHALS SERVING CAPIAS ORDERS

The act allows a judicial marshal to serve a photographic, micrographic, electronic, or other copy of a capias order issued by a court or family support magistrate for a child support obligor found to be in contempt or an obligor or witness who failed to appear at a hearing, when the:

1. person is either in the marshal's custody or present in the courthouse where the marshal provides security and
2. judicial marshal or the courts' Support Enforcement Services possesses the original document.

Previously, judicial marshals could only serve original orders.

§§ 7, 13-14, & 27 — RECOGNIZANCE OR BOND IN CIVIL CASES

The act eliminates the prior requirements for entering a recognizance or posting a bond in certain civil cases and instead prohibits them, unless the court finds good cause.

The act repeals prior law's provisions for civil actions that:

1. required a plaintiff who was not a state resident, or who the authority signing the process believed would be unable to pay the costs of the action if the court ordered judgment against the plaintiff, to either (a) enter a recognizance to the adverse party with a financially responsible person in the state or a surety or (b) have such a financially

- responsible person enter the recognizance directly with the adverse party;
2. required a member of a community who appeared to defend an action against the community to post a surety bond for any costs to the community arising from the appearance;
 3. allowed a court to order a bond from a nonresident defendant in an action relating to real property or an interest in real property; and
 4. allowed a court, on its own motion or that of the defendant, to order a sufficient bond by considering taxable costs for which the plaintiff may be responsible other than expert witness fees or charges.

The act instead prohibits a bond or recognizance from any party in a civil action unless the court (1) on a motion and for good cause, finds the party cannot pay the costs of the action and (2) orders a bond or recognizance to the adverse party with a financially responsible person to pay taxable costs.

When determining the bond amount, the court may only consider taxable costs, excluding expert witness fees or charges. Under prior law, this applied when a court ordered a bond on its own motion or that of a defendant. By law, taxable costs include various things, such as witnesses' legal fees and mileage, copying fees, and legal fees for service of process.

As under existing law, any party that does not comply with a court order to give a bond or recognizance can be nonsuited or defaulted (i.e., the case is terminated). The act eliminates the court's authority to order a bond and payment to the defendant of the action's costs up to that date for failure to comply with these laws or an authority's failure to certify to personal knowledge of a plaintiff's financial responsibility.

The act also repeals provisions that specifically apply to endorsements in actions on probate bonds. (Other statutes govern probate bonds.)

Eviction Proceedings

The act eliminates a prohibition on requiring recognizance for a pro se complainant (someone representing himself or herself in court) who files a complaint for possession of premises under the eviction law when the lessee or occupant does not leave as required. Thus, it subjects these complainants to the act's provisions allowing courts to require a bond for good cause.

§§ 8, 10-12 & 27 — LEGAL DOCUMENT PUBLICATION

The act eliminates the duty of:

1. court clerks to file copies of Superior Court

decisions with the Reporter of Judicial Decisions;

2. the reporter to select decisions for publication and create digests of them; and
3. the Commission on Official Legal Publications to publish the selected cases and digests (apparently, digests have not been published since the 1980s).

The law authorizes the commission to use an alternative format as its sole method to publish, maintain, and distribute Connecticut Supreme Court decisions, except the most recent 100 volumes. The act specifies that the alternative method can be an electronic format. The act also allows the alternative format to be the sole method to publish, maintain, and distribute all other official publications and archived official legal protections (this includes Appellate Court cases, the Connecticut Law Journal, the Connecticut Practice Book, and other court and legal practice publications assigned to the commission).

§§ 15 & 16 — CIVIL PROTECTION ORDERS AND COURT FEES

The act eliminates the following court fees related to civil protection orders:

1. \$350 for applications to obtain, modify, or extend the order and
2. \$125 for motions to open, set aside, modify, or extend the order.

By law, civil protection orders are available to certain sexual abuse, sexual assault, or stalking victims. By law, applicants for civil restraining orders, which are available to victims who are family and household members under similar circumstances, are already exempt from paying these fees.

§§ 17 & 18 — CRIMINAL VIOLATION OF RESTRAINING OR CIVIL PROTECTION ORDERS AND SERVING CERTAIN DOCUMENTS

The act excludes certain conduct from criminal violation of restraining or civil protection orders.

Restraining Orders

Under the act, the subject of a restraining order issued in Connecticut or another jurisdiction who is ordered not to contact someone protected by the order is not in criminal violation of the order when he or she has a document in a family relations case legally served on someone protected by the order by mail or a third party statutorily authorized to serve process. By law, family relations cases include, among others, cases involving divorce; alimony and support; child custody; juvenile matters; paternity; and probate court appeals involving child custody, termination of parental rights, guardians,

conservators, and commitment.

By law, criminal violation of a restraining order is a class D felony (see Table on Penalties) if a person (1) is subject to a restraining order in Connecticut or another jurisdiction and knows its terms and (2) does not stay away from a person or place or contacts a person in violation of the order. It is a class C felony to knowingly violate an order by committing certain conduct such as threatening or harassing the person protected by the order.

Civil Protection Orders

Under the act, the subject of a civil protection order is not in criminal violation of the order when he or she has a legal document served on the person protected by the order by mail or a third party, according to the law. This includes serving a notice of appearance, an application, a petition, or a motion, when the document was filed in good faith for a pending court matter or one that may be brought.

By law, criminal violation of a civil protection order is a class D felony if a person subject to the order knows its terms and violates the order.

§ 22 — VICTIM COMPENSATION

By law, when determining the amount of compensation to pay a victim, the OVS or a victim compensation commissioner must consider other amounts that the person received or is eligible to receive, including state or municipal payments and workers' compensation awards. Prior law required consideration of any insurance benefits. The act instead requires consideration of health insurance benefits but excludes consideration of life insurance benefits received by the person.

The law authorizes compensation for certain expenses and losses, up to a maximum award that can only be exceeded for good cause and under compelling equitable circumstances.

§§ 23-24 & 26 — WARREN CEMETERY ASSOCIATION

Under a 1917 special act, the Litchfield Judicial District Superior Court clerk acts as trustee of the escheated property formerly known as the Salmon Brownson Fund and pays (1) interest to the Warren Cemetery Association to maintain the Brownson family's graves and monuments, with any unexpended interest used to maintain the graves of others who were members of the Warren Methodist Episcopal Church and for the association's general purposes or (2) income to a Methodist Episcopal church providing regular services in Warren.

The act requires the clerk, by October 1, 2015, to close the account and pay the balance to the Warren Cemetery Association treasurer. It requires the association to use the funds, instead of just the interest, to maintain the graves and monuments described above and use any unexpended fund income for the association's general purposes. The association must continue to pay the fund's income to any Methodist Episcopal church providing regular services in Warren.

BACKGROUND

Claims Against the State

By law, someone who wishes to sue the state must, in most cases, file a claim with the claims commissioner. The commissioner can award a claimant up to \$20,000, recommend the General Assembly approve a higher award, authorize a lawsuit against the state, or deny or dismiss a claim. The General Assembly can confirm the commissioner's decision, award a different amount, deny payment, or authorize a lawsuit against the state (CGS § 4-159).

By law, the legislature can authorize someone to present a claim to the commissioner after the required time period expires if it is just and equitable, there are compelling equitable circumstances, and it serves a public purpose (CGS § 4-148).

PA 15-109—sSB 1114

Judiciary Committee

Government Administration and Elections Committee

AN ACT CONCERNING THE COMMISSION ON RACIAL AND ETHNIC DISPARITY IN THE CRIMINAL JUSTICE SYSTEM AND THE REMOVAL OF THE TERMS "CRIPPLED" AND "DEFECTIVE EYESIGHT" FROM THE GENERAL STATUTES

SUMMARY: This act makes several changes in the composition, duties, scheduling, and reporting requirements of the Commission on Racial and Ethnic Disparity in the Criminal Justice System. Among other things, it:

1. increases, from 21 to 22, the commission's membership by adding the Asian Pacific American Affairs Commission chairperson;
2. requires the commission to meet quarterly, and when the chairperson deems necessary, instead of only when the commission deems necessary;
3. establishes the commission's mission;

4. eliminates existing duties and creates new ones generally expanding the commission’s focus beyond the juvenile justice system to the whole criminal justice system; and
5. eliminates the prior annual reporting requirement and replaces it with new biennial reporting requirements starting by January 1, 2017.

The act also updates obsolete terminology used in various statutes to describe individuals with certain disabilities. Generally, it replaces the terms “crippled” and “defective eyesight” with “physical disabilities” and “visual impairments,” respectively.

EFFECTIVE DATE: October 1, 2015

COMMISSION’S MISSION

Under the act, the commission must address the overrepresentation of racial and ethnic minorities in the state's criminal justice system, with particular attention to African-Americans and Latinos, including consideration of the impact of such racial and ethnic disparity on minority communities.

DUTIES

The act eliminates the commission’s prior duties and, instead, requires it to:

1. sponsor conferences, forums, and educational and training programs on the causes, effects, and implications of racial and ethnic disparity in the state's criminal justice system;
2. collaborate with national, state, and local organizations and institutions to identify strategies for reducing racial and ethnic disparity in the state's criminal justice system;
3. develop, evaluate, and recommend promising and emerging policies and practices, including recommending any implementing legislation;
4. (a) determine whether any statutory provision negatively impacts racial and ethnic disparity in the state's criminal justice system and (b) recommend to the governor and legislature statutory changes to reduce the impact;
5. make recommendations to the governor, legislature, and state and local agencies and organizations on implementing any such strategy, policy, practice, or legislative change; and
6. assess the impact of implementing these strategies, policies, practices, or legislative changes.

The commission’s duties under prior law included, among other things:

1. developing and recommending policies to reduce the number of minority individuals in

- the criminal justice system;
2. examining the impact of statutes and policies on any such disparities, including researching and gathering statistical data on their impact;
3. developing and recommending training programs for criminal justice system personnel;
4. preparing annual comprehensive plans to reduce racial and ethnic disparity and the number of minority individuals in the juvenile justice system;
5. analyzing the key stages in the juvenile justice system to determine any stage where there is disparate impact; and
6. annually preparing and distributing a juvenile justice plan to reduce the number of minority individuals in the juvenile justice system.

REPORTING

Under prior law, the commission had to report to the legislature, annually by January 1st, on the additional resources that should be made available to reduce racial and ethnic disparity in the criminal justice system without affecting public safety. The act instead requires the commission, starting by January 1, 2017 and biennially after that, to report to the governor and legislature on its activities and accomplishments since the previous report.

PA 15-183—sHB 7050
Judiciary Committee

AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM

SUMMARY: This act makes various changes affecting the juvenile justice system.

It changes when cases may or must be transferred from juvenile court to adult criminal court, including:

1. eliminating automatic transfers for children ages 14 through 17 charged with certain class B felonies and
2. raising the minimum age, from 14 to 15, for the (a) automatic transfer for other class B felonies or more serious crimes and (b) discretionary transfer for felonies not subject to automatic transfer.

The act creates a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency, consistent with recent Judicial Branch policy. The act allows such restraints only upon court order and according to Judicial Branch policy and requires the branch to keep related statistical information.

It expands the Juvenile Justice Policy and Oversight Committee's (JJPOC) membership and responsibilities. For example, it requires the committee to (1) implement a strategic plan and report on it by January 1, 2016 and (2) annually report on certain matters beyond the previous January 1, 2017 end date for its responsibilities.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

§ 1 — TRANSFER TO ADULT CRIMINAL COURT

Prior law required the juvenile court to automatically transfer a child age 14 through 17 to adult criminal court if he or she was charged with a capital felony committed prior to April 25, 2012, a class A or B felony (see BACKGROUND), or arson murder. For 14- to 17-year-olds charged with other felonies, the prosecutor could request a transfer to adult court, and the court could order the transfer in certain circumstances, described below.

For all felonies, the act eliminates the transfer of 14-year-olds to adult court.

It also eliminates automatic transfer for the following class B felonies:

1. first-degree manslaughter;
2. first-degree assault of a Department of Correction employee;
3. second-degree sexual assault of a victim under age 16;
4. second-degree kidnapping;
5. one form of first-degree burglary (i.e., the person enters or remains unlawfully in a building with intent to commit a crime in the building and in the course of committing the offense, intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on another person);
6. second-degree arson;
7. first-degree larceny;
8. first-degree identify theft;
9. first-degree robbery, other than when the person is armed with a deadly weapon;
10. importing child pornography;
11. first-degree possessing child pornography;
12. first-degree computer crime; and
13. computer crime in furtherance of terrorist purposes.

The act allows the prosecutor to request a transfer to adult court for a child age 15 to 17 charged with one of these crimes, under the same procedures as in existing law for felonies not subject to automatic transfer.

Under these procedures, if the prosecutor requests a transfer, the court can order the transfer only if it determines after a hearing that (1) there is probable cause to believe that the child committed the alleged offense and (2) the best interests of both the child and public are not served by keeping the case in juvenile court. The court must consider (1) the child's prior criminal or juvenile offenses and their seriousness, (2) any evidence that the child has intellectual disability or mental illness, and (3) the availability of juvenile court services that can serve the child's needs. The motion to transfer must be made, and the hearing held, within 30 days after the child's arraignment in juvenile court.

For these discretionary transfers, as for discretionary transfers under existing law, the adult criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, on a showing of good cause.

§ 3 — MECHANICAL RESTRAINTS IN JUVENILE COURT PROCEEDINGS

Under the act, there is a presumption that all mechanical restraints will be removed from a detained juvenile appearing in juvenile court. The presumption applies before the juvenile appears in court and throughout his or her court appearances, until the final adjudication of the case.

The act allows the in-court use of mechanical restraints for these juveniles only upon court order and under the written policy of the Judicial Branch (see BACKGROUND).

The act requires the Judicial Branch to keep statistics on the use of mechanical restraints during juvenile proceedings. It requires the branch to provide these statistics to any member of the public on request. Before doing so, the branch must redact any information that would identify a juvenile.

§ 2 — JJPOC

Legislation enacted last year established the JJPOC to evaluate and report on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 16- and 17-year-olds.

Membership

Under prior law, the JJPOC had 35 members. The act adds to the committee the:

1. labor, social services, and public health commissioners, or their designees and
2. chief of police of a municipality with a population over 100,000, appointed by the president of the Connecticut Police Chiefs Association.

Reporting Requirements

Existing law requires the JJPOC to submit specific reports to the Appropriations, Children's, Human Services, and Judiciary committees and the Office of Policy and Management (OPM) secretary. The first report was due January 1, 2015; the next report was due July 1, 2015; and quarterly reports are then due until January 1, 2017.

Strategic Plan. By law, among the required topics of the first report were short-, medium-, and long-term goals for the JJPOC and state agencies with juvenile justice system responsibilities, developed after considering existing relevant reports related to the juvenile justice system and any related state strategic plan.

The act requires the JJPOC to implement a strategic plan integrating these goals. In doing so, the JJPOC must collaborate with (1) municipal police departments and (2) any state agency with juvenile justice system responsibilities, including the Judicial Branch and the departments of Children and Families (DCF), Correction, Education (SDE), Labor, and Mental Health and Addiction Services.

By January 1, 2016, the JJPOC must report on the plan to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary. The report must (1) address progress toward the plan's full implementation and (2) include any recommendations on the implementation of these goals by municipal police departments or any involved state agency.

Recommendations to Improve the Juvenile Justice System. The act requires the JJPOC to assess the juvenile justice system and make recommendations to improve it. The JJPOC must report the assessment and recommendations to the recipients noted above, by July 1 of 2016, 2017, and 2018. The reports must address:

1. educational outcomes and mental health and substance abuse treatment programs and services for children and youths (i.e., ages 16 or 17) involved with the juvenile justice system, or at risk of involvement;
2. disproportionate minority contact with children and youths involved with the juvenile justice system;
3. training on the system for state agencies and municipal police departments;
4. diverting at-risk children and youths from the system;
5. recidivism tracking and policies and procedures to reduce recidivism;
6. data sharing among public and private juvenile justice agencies and other child services agencies, including SDE, to evaluate the system's effectiveness and efficiency;

7. vocational educational opportunities for children and youths in the system, until age 21;
8. oversight of, and reduction in, the use of restraints for children and youths, and reduction in the use of seclusion and room confinement in juvenile justice facilities;
9. evidence-based positive behavioral support strategies and other evidence-based or research-informed strategies to reduce the reliance on restraints and seclusion; and
10. programs and facilities using restraints or seclusion for children or youths and any data on this use, including the rate and duration of use for children and youths with disabilities.

Reporting on Progress. Existing law requires the JJPOC to submit quarterly reports on the progress in achieving its goals and measures, starting by July 1, 2015 until January 1, 2017. The act extends this requirement to include annual reporting after that.

Consultation and Support. Prior law required the JJPOC, in meeting its requirements for the reports due in January and July 2015, to consult with one or more organizations that focus on relevant children and youth issues, such as the University of New Haven. The act requires this consultation for all of the JJPOC's responsibilities. It specifically allows the committee to accept administrative support and technical and research assistance from these organizations.

By law, the JJPOC must also work in collaboration with any Results First initiatives implemented by law, including those implemented by the Results First Policy Oversight Committee (CGS § 2-111).

BACKGROUND

Class A and B Felonies: Disposition in Juvenile vs. Criminal Court

When handled in criminal court, authorized prison terms are generally up to (1) 25 years for class A felonies and (2) 20 years for class B felonies. For some A or B felonies, there are (1) longer maximum terms (e.g., 60 years for murder) or (2) mandatory minimum terms.

If a child or youth is adjudicated delinquent in a juvenile court for violating a criminal statute, the court may order various sentences, such as an alternative incarceration program, probation, or commitment to DCF. DCF commitment may be for up to four years for a "serious juvenile offense" or up to 18 months for other offenses. Serious juvenile offenses include (1) murder with special circumstances (previously, capital felony); (2) arson murder, (3) all class A felonies; and (4) many class B felonies.

DCF may extend the commitment beyond these periods if it can prove to the court that doing so would be in the best interest of the child or the community. DCF commitments for delinquency end when the child reaches age 20 (CGS §§ 46b-140, 141).

Judicial Branch Policy on Use of Mechanical Restraints in Juvenile Courts

Effective April 1, 2015, a Judicial Branch policy established a presumption that mechanical restraints will be removed from a juvenile prior to and throughout his or her appearance in juvenile court. In-court restraints may be used only pursuant to a judge's order in accordance with the policy.

The policy requires a classification and program officer from the Court Support Services Division to complete a form before transporting a juvenile to juvenile court, indicating whether restraints are recommended and, if so, the types of restraints. The policy specifies factors that must be present to support the use of these restraints (e.g., whether the juvenile has threatened or attempted to escape or is charged with a class A felony).

The juvenile's lawyer or other parties who may disagree with the recommendation may address the court before the juvenile appears before it. After hearing from all parties, the judge must determine which restraints, if any, are appropriate.

Any restraints removed under this policy must be immediately reapplied upon completion of the court hearing, in a secure area outside the courtroom.

PA 15-195—HB 6849
Judiciary Committee

AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING

SUMMARY: This act makes numerous changes in the statutes related to human trafficking by:

1. expanding the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor (under age 18);
2. requiring the Department of Public Health (DPH) to provide human trafficking victims the same services it must provide certain sexual assault victims under existing law;
3. expanding the conditions under which a court must order the erasure of a juvenile's police and court records;
4. expanding the list of crimes, including human trafficking, for which wiretapping may be authorized;

5. increasing, from 20 to 22, the membership of the Trafficking in Persons Council; and
6. specifically allowing the Office of Victim Services (OVS), under certain circumstances, to waive the two-year limitation on crime victim compensation applications for minors who are victims of human trafficking.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

§ 4 — ELEMENTS OF THE CRIME OF HUMAN TRAFFICKING

The act expands the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor.

Under existing law, a person commits human trafficking when he or she:

1. compels or induces another person, regardless of age, to (a) engage in conduct involving more than one occurrence of sexual contact with one or more third persons or (b) provide labor or services that he or she has a legal right to refrain from providing and
2. does so through coercion, fraud, or the use or threatened use of force against the other person or a third person.

Under the act, human trafficking also includes compelling or inducing a minor to engage in conduct involving more than one occurrence of sexual contact with one or more third persons that constitutes (1) prostitution or (2) sexual contact for which the third person may be charged with a criminal offense.

By law, human trafficking is a class B felony (see Table on Penalties).

§ 1 — DPH SERVICES TO TRAFFICKING VICTIMS

The act requires DPH to provide victims of human trafficking the same services it must provide under existing law to certain sexual assault victims and victims of risk of injury to a minor involving sexual acts. These services are:

1. counseling about HIV and AIDS,
2. HIV-related testing, and
3. referrals for appropriate health care and support services.

The law requires DPH to provide such services (1) whether or not anyone is convicted or adjudicated delinquent for the violation and (2) through counseling and testing sites the department funds.

§ 3 — ERASURE OF POLICE AND COURT RECORDS

The act expands the conditions under which a court, upon request, must order the erasure of a juvenile's police or court records after discharge from court supervision or court-ordered custody. It requires a court to do so if the court finds that the child has a criminal record as a result of being a victim of human trafficking or related federal crimes.

By law, after such discharge, the child or his or her parent or guardian may petition the Superior Court to have the child's police and court records erased for (1) a delinquency conviction, (2) an adjudication as a member of a family with service needs, or (3) admitting to committing a delinquent act. Under existing law, for the court to erase a juvenile's record in this situation, the following conditions must exist:

1. at least two years (four years for a serious juvenile offense) must have elapsed since the child was discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or any other agency or institution,
2. no subsequent juvenile proceeding or adult criminal proceeding is pending against the child,
3. the child has not been convicted as an adult of a felony or misdemeanor or of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during the two- or four-year period, and
4. the child has reached adulthood.

§ 5 — WIRETAPPING

The act adds aggravated sexual assault of a minor, enticing a minor, human trafficking, and obscenity concerning minors to the list of crimes for which wiretapping may be authorized.

Under existing law, wiretaps may be authorized for the crimes of gambling; bribery; racketeering; manufacturing or selling illegal drugs; or felonies involving violence, unlawful or threatened use of physical force, or violence committed with intent to intimidate or coerce the civilian population or a government unit.

§ 2 — TRAFFICKING IN PERSONS COUNCIL

The act increases, from 20 to 22, the membership of the Trafficking in Persons Council by increasing, from one to three, the public members appointed by the governor. Under existing law, he appoints a representative from Connecticut Sexual Assault Crisis Services, Inc. The act requires the governor to appoint

two additional members, one each representing victims of (1) commercial exploitation of children and (2) child sex trafficking.

§ 6 — CRIME VICTIM COMPENSATION

By law, crime victims (including those who suffer pecuniary loss as a result of the victim's injury) are generally eligible for crime victim compensation if they (1) apply within two years after the date of personal injury or death from a qualifying incident or crime and (2) report the crime to the police either within five days after it occurs or within five days after a report reasonably could have been made. The maximum awards are \$15,000 for personal injuries and \$25,000 for death.

Existing law allows OVS to waive the two-year limitation on crime victim compensation applications for minors if the office finds that the minor is not at fault for missing the deadline. The act specifies that this includes minors who are victims of human trafficking or related federal crimes.

PA 15-205—sHB 6186

Judiciary Committee

Education Committee

AN ACT PROTECTING SCHOOL CHILDREN

SUMMARY: This act increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to the Department of Children and Families (DCF) if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault (see Table on Penalties).

The act extends the mandated reporter law's protection to high school students age 18 and older who are not enrolled in an adult education program. It also expands the reporting requirement for school employees and subjects violators to the penalties described above. The act requires school employees to report to DCF suspected sexual assault of any student not enrolled in adult education by a school employee. It also establishes the factors on which all mandated reporters may base their suspicion. Under the act, it is a class D felony for anyone, other than a child or a student not enrolled in an adult education program, to intentionally and unreasonably interfere with or prevent such reporting or conspire or attempt to do so (see Table on Penalties).

By law, (1) DCF must make available educational and refresher training to all mandated reporters of child

abuse and neglect and (2) school employees must participate in the training when hired and every three years. Under the act, the principal for each school under the jurisdiction of a local or regional board of education must annually certify to the superintendent that school employees completed such training, and the superintendent must certify compliance to the State Board of Education (SBE).

The act extends DCF's investigation and notification requirements under existing law in reported child abuse or neglect cases to include cases of reported sexual assault of students by school employees.

It requires each local or regional board to (1) update its written policy, by February 1, 2016, to include the new school employee reporting requirements and (2) establish a confidential rapid response team, by January 1, 2016, to coordinate with DCF to ensure prompt reporting. It also prohibits the boards from hiring noncompliant or convicted employees who were terminated or resigned and requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015, except that the provisions regarding DCF's training program (§ 1); rapid response teams (§ 9); rehiring prohibitions (§ 10); and SBE's certification, authorization, and permit practices (§§ 12 & 13) take effect July 1, 2015.

§§ 2 & 11 — MANDATED REPORTING

Reporters and Penalties

By law, it is a crime for mandated reporters to fail to report suspected child abuse or neglect to DCF (see BACKGROUND). Under prior law, failure to report was a class A misdemeanor. The act increases this penalty to a class E felony if the:

1. violation is a subsequent violation;
2. violation is willful, intentional, or due to gross negligence; or
3. mandated reporter has actual knowledge that a child was abused or neglected or a student was a victim of sexual assault (see below).

The act expands the reporting requirements for school employees (see BACKGROUND) and subjects violators to the penalties as described above. It requires a school employee to report to DCF if he or she, in the ordinary course of his or her employment or profession, has reasonable cause to suspect or believe that a student enrolled in a technical high school or a school under the local or regional board of education's jurisdiction (other than an adult education program) is a victim of any of the following crimes committed by a school employee: 1st, 2nd, 3rd, or 4th degree sexual assault, 1st degree

aggravated sexual assault, or 3rd degree sexual assault with a firearm. The reporter must notify DCF in the same manner and within the same timeframes required of mandated reporters of child abuse and neglect under existing law. Under the act, these victims are children for the purpose of the mandated reporter statutes, including provisions on oral and written reports to DCF, investigatory activities, and notification to law enforcement and prosecutorial authorities (§§ 3-5, 7, & 8).

Under the act, a mandated reporter's suspicion or belief does not require certainty or probable cause and may be based on observations; allegations; facts; or statements by a child, victim, or third party.

By law, it is a class D felony to intentionally and unreasonably interfere with or prevent a mandated reporter from reporting abuse or neglect. The act specifies that it is a class D felony for anyone, other than a child under age 18 or a student not enrolled in an adult education program, to intentionally and unreasonably interfere with or prevent a mandated reporter from carrying out his or her reporting duty or attempt or conspire to do so.

By law, the DCF commissioner must promptly notify the chief state's attorney if she believes that a mandated reporter failed to make a report.

§ 6 — DCF INVESTIGATION

The act extends the application of DCF's child abuse or neglect investigation and notification requirements to reported sexual assault cases.

By law, within five days after completing an investigation of a report of child abuse or neglect by a school employee, the DCF commissioner must notify the employing superintendent and the education commissioner of the results and provide them with any investigation records. The act requires the DCF commissioner to do the same after completing an investigation of a report of 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm of a student not enrolled in an adult education program by a school employee. The DCF commissioner must do so whether or not the child or the victim is a student in the employing school or school district. Under the act, if the DCF commissioner has reasonable cause to believe that a student is a victim as described above, the superintendent must suspend the reported school employee.

§§ 6, 9, & 10 — LOCAL AND REGIONAL SCHOOL BOARDS' PRACTICES

§ 6 — *Written Policy*

Under prior law, each local and regional board of education had to have a written policy on school employees reporting suspected child abuse or knowingly making false reports of such abuse. The act requires the policy, by February 1, 2016, to also address the reporting of suspected (1) child neglect and (2) the sexual assault crimes noted above.

By law, the board must annually distribute the policy to all school employees and document that they have received it and completed the required training.

§ 9 — *Rapid Response Team*

Under the act, each local and regional board of education, by January 1, 2016, must establish a confidential rapid response team to coordinate with DCF to:

1. ensure prompt reporting of suspected child abuse or neglect, or the sexual assault crimes noted above and
2. provide immediate access to information and individuals relevant to DCF's investigation of such cases.

The confidential rapid response team must consist of:

1. a local or regional board of education teacher and superintendent,
2. a local police officer, and
3. any other person the board deems appropriate.

The act requires DCF, along with a multidisciplinary team, to take immediate action to investigate and address each report of child abuse or neglect in any school.

§ 6 — *Hiring Convicted Former Employees Prohibited*

The act prohibits a local or regional board of education from employing anyone who was terminated or resigned after a license suspension based on a DCF investigation, if he or she has been convicted of (1) child abuse or neglect or (2) any of the sexual assault crimes noted above.

§ 10 — *Hiring Violators of Mandated Reporting Law Prohibited*

The act prohibits a local or regional board of education from employing a school employee who was terminated or resigned, if he or she (1) failed to report the suspicion of such crimes when required to do so or (2) intentionally and unreasonably interfered with or prevented a mandated reporter from carrying out this

obligation or conspired or attempted to do so. This applies regardless of whether an allegation of abuse, neglect, or sexual assault has been substantiated.

§§ 6, 12, & 13 — STATE'S ATTORNEY NOTICE AND SBE CERTIFICATION REVOCATION

By law, if a school employee, or anyone who holds an SBE-issued certificate, permit, or authorization, is convicted of certain crimes, the state's attorney for the judicial district where the conviction occurred must notify, in writing, the (1) school district's superintendent or private school's supervisory agent and (2) education commissioner. Under prior law, the crimes were limited to:

1. child abuse or neglect,
2. risk of injury to a child, or
3. 2nd or 4th degree sexual assault against anyone.

The act broadens the range of criminal convictions for which the state's attorney's notification is required to include convictions for intentionally or unreasonably interfering with a mandated reporter's reporting duty.

It also adds convictions of a school employee, or anyone who holds an SBE-issued certificate, permit, or authorization, for (1) 1st or 3rd degree sexual assault, (2) 1st degree aggravated sexual assault, or (3) 3rd degree sexual assault with a firearm against a student who is not enrolled in an adult education program.

By law, the education commissioner, upon receipt of the state's attorney's notification, must revoke any such person's certificate, permit, or authorization. The law prohibits the commissioner from issuing or reissuing a certificate, permit, or authorization to such a person.

BACKGROUND

Mandatory Reporting of Suspected Child Abuse or Neglect

By law, a person is required to report suspected child abuse or neglect within specified timeframes if (1) the person is designated by law as a mandated reporter and (2) in the ordinary course of his or her employment or profession, has reasonable cause to suspect a child under age 18 has:

1. been abused or neglected,
2. suffered a non-accidental physical injury or one inconsistent with the given history of such injury, or
3. been placed at imminent risk of serious harm (CGS § 17a-101a).

Mandated Reporter

By law, mandated child abuse reporters are:

1. Connecticut-licensed physicians or surgeons;
2. resident physicians or interns in any Connecticut hospital, whether or not licensed in this state;
3. registered nurses, licensed practical nurses, and physician assistants;
4. medical examiners;
5. dentists and dental hygienists;
6. psychologists, social workers, and mental health professionals;
7. school employees;
8. paid youth camp directors or assistant directors;
9. persons age 18 or older who are paid (a) youth athletic coaches or directors; (b) private youth sports organization, league, or team coaches or directors; or (c) administrators, faculty or staff members, athletic coaches, directors, or trainers employed by a public or private higher education institution, excluding student employees;
10. police officers;
11. juvenile or adult probation and parole officers;
12. members of the clergy;
13. pharmacists;
14. physical therapists and chiropractors;
15. optometrists;
16. podiatrists;
17. licensed or certified emergency medical services providers;
18. (a) licensed or certified alcohol and drug counselors, (b) licensed professional counselors, and (c) sexual assault or domestic violence counselors;
19. licensed marital and family therapists;
20. foster parents;
21. (a) child care workers at state-licensed facilities, day care centers, or group or family day care homes and (b) Department of Public Health and Early Childhood Office employees who license these facilities and youth camps;
22. DCF employees;
23. the child advocate and her staff;
24. family relations counselors and trainees; and
25. Judicial Branch family services supervisors (CGS § 17a-101(b)).

School Employee

By law, a “school employee” is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse,

physician, school paraprofessional, or coach employed by a local or regional board of education or a private elementary, middle, or high school or working in a public or private elementary, middle, or high school or

2. any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a (a) public elementary, middle, or high school while under contract with the local or regional board of education or (b) private elementary, middle, or high school while under contract with the supervisory agent of such private school (CGS § 53a-65).

Related Act

PA 15-112 (1) requires school officials to remove from a school employee’s personnel file and other records any reference to a DCF investigation of a report that the employee abused or neglected a child when DCF cannot substantiate the claim and (2) bars the unsubstantiated report from being used against the employee.

PA 15-211—sSB 1105*Judiciary Committee*

AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES, AND CONCERNING THE PSYCHIATRIC SECURITY REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM ASSOCIATIONS AND DEPOSITIONS OF PERSONS LIVING OUT-OF-STATE

SUMMARY: This act makes a number of unrelated changes principally in criminal laws. It also makes changes affecting land subject to conservation restriction, the Common Interest Ownership Act (CIOA), and subpoenas from out-of-state actions.

Among its significant changes to criminal laws, the act:

1. makes it a form of 2nd degree assault to intentionally cause physical injury to someone by striking or kicking the other person in the head while the person is in a lying position, thus increasing the penalty for this conduct from a class A misdemeanor to a class D felony (see Table on Penalties);
2. increases the penalty for 2nd degree assault from a class D felony to a class C felony (see Table on Penalties) when serious physical injury results;

3. excludes from participation in accelerated rehabilitation (AR) health care providers or vendors participating in the state's Medicaid program who are charged with (a) 1st degree larceny or (b) 2nd degree larceny involving defrauding a public community of \$2,000 or less;
4. excludes from participation in the pretrial alcohol education program people charged with 2nd degree manslaughter with a vessel or 1st degree reckless vessel operation while under the influence of drugs or alcohol and makes other changes to eligibility based on prior convictions and program usage;
5. makes assaulting a state or municipal animal control officer or a licensed and registered security officer a class C felony;
6. makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault, such as expanding when the court may order probation for these crimes and increasing the mandatory minimum for the latter crime in some circumstances;
7. expands the definition of a "peace officer" to include U.S. marshals and deputy marshals;
8. creates a 16-member Domestic Violence Offender Program Standards Advisory Council to promulgate, review, update, and amend the domestic violence offender program standards;
9. extends to family violence victims the right to keep certain information confidential, as existing law allows for sexual assault victims; and
10. increases the penalty for drivers who fail to stop after being involved in accidents causing serious physical injury or death.

The act makes four additional changes, not related to criminal laws. It:

1. prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession,
2. narrows the applicability of a law allowing for certain master associations under CIOA to terminate and transfer their assets to a new nonstock corporation,
3. expands when CIOA executive boards may act without a meeting, and
4. establishes procedures for (a) someone who receives a subpoena related to a civil or probate action in another state or a foreign country and who is not a party to that proceeding to object to the subpoena as an undue or unreasonable burden or expense and (b) the court to rule on a request to enforce the subpoena.

Below we provide a section-by-section analysis.

EFFECTIVE DATE: October 1, 2015 except the provisions on (1) the extradition cost task force, conditional releases from the Psychiatric Security Review Board, U.S. marshals, domestic violence council, and termination of master associations are effective upon passage; (2) family violence victim confidentiality are effective July 1, 2015; and (3) family violence intervention units are effective January 1, 2016.

§ 1 — SERVING PROBATION TERMS

When a person is sentenced to a period of probation or conditional discharge to be served after a prison sentence, the law requires the probation or conditional discharge period to begin when the person is released from prison. Under case law, the court can delay the start of a probation or conditional discharge term only when a person is in prison under a sentence for the same crime; it cannot delay the probation or conditional discharge period if the person is in prison due to a sentence on a different conviction (*State v. Moore*, 85 Conn. App. 7 (2004)).

The act requires any probation or conditional discharge term to begin when the defendant is released from prison, regardless of when the prison sentence is imposed.

§ 2 — TASK FORCE ON EXTRADITION AND BONDS

The act creates a task force to examine:

1. ways to reduce costs to extradite someone to the state for criminal proceedings and
2. the feasibility of a court vacating bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs.

The task force must report its recommendations to the Judiciary Committee by January 15, 2016, and it terminates on the later of that date or when it submits its report.

Members and Staff

The task force consists of the following nine members:

1. a Connecticut surety bail bond agent or professional bondsman, appointed by the House speaker;
2. a representative of an insurer who does bail bond business, appointed by the Senate president pro tempore;
3. one member each appointed by the Senate majority and minority leaders and the House majority and minority leaders, who may be legislators;

4. the emergency services and public protection commissioner, or her designee;
5. a representative of the U.S. Marshals Service, appointed by the U.S. marshal for the Connecticut district; and
6. the chief state's attorney.

The act requires appointing authorities to (1) make their appointments by July 30, 2015 and (2) fill any vacancies.

The act makes the chief state's attorney the task force chairman and requires him to hold the first meeting by August 29, 2015. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

§ 3 — FELONY MURDER

The act expands the crime of felony murder to include when a person commits or attempts to commit home invasion and, during or in furtherance of the crime, or while fleeing the crime, the person or any other participant in the crime causes the death of someone not participating in the crime.

By law, felony murder includes causing a death as described above related to the crime of robbery, burglary, kidnapping, 1st or 3rd degree sexual assault, 1st degree aggravated sexual assault, 3rd degree sexual assault with a firearm, or 1st or 2nd degree escape.

§ 4 — 2ND DEGREE ASSAULT

Conduct

The act increases the penalty for intentionally causing physical injury to someone, from a class A misdemeanor to a class D felony, when a person causes the injury by striking or kicking another person in the head while the person is in a lying position. It does so by making this conduct 2nd degree assault. By law, someone who intentionally causes physical injury in any manner commits the class A misdemeanor of 3rd degree assault (CGS § 53a-61).

By law, a person commits 2nd degree assault when he or she does any of the following to someone:

1. intentionally causes serious physical injury;
2. intentionally causes physical injury by using a deadly weapon or dangerous instrument, other than discharging a firearm;
3. recklessly causes serious physical injury by using a deadly weapon or dangerous instrument;
4. for a purpose other than lawful medical or therapeutic treatment, intentionally causes stupor, unconsciousness, or other physical impairment or injury by administering, without the victim's consent, a drug, substance, or preparation capable of producing the same;

5. while on parole, intentionally causes physical injury to a Board of Pardons and Paroles employee or member; or
6. without provocation, strikes a person in the head, intentionally causing serious physical injury and rendering him or her unconscious.

Penalty

The act increases the penalty, from a class D felony to a class C felony, when a 2nd degree assault results in serious physical injury. By law, a "serious physical injury" is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

§ 5-7 — SEX OFFENDER REGISTRATION PERIOD

The act specifies that the 10-year registration period required for certain sex offenders begins when the offender is released into the community. By law, offenders convicted of 4th degree sexual assault, certain types of voyeurism, or crimes designated as sexual offenses against a minor must register for 10 years. (PA 15-213 expands the conduct punishable as voyeurism and requiring registration as a sex offender.) The court may require an offender convicted of a felony committed for a sexual purpose to register for 10 years.

By law, a person convicted of a (1) sexually violent crime or (2) subsequent conviction of 4th degree sexual assault, certain voyeurism crimes, or a sexual offense against a minor must register for life.

§ 8 — TRESPASS

By law, a person commits simple trespass by entering any premises knowing he or she is not licensed or privileged to enter, without intent to harm the property. The act expands this infraction to include when a person remains in or on the premises.

§ 9 — TAMPERING WITH OR FABRICATING EVIDENCE

The act expands the scope of this crime to cover conduct that occurs when a person believes a law enforcement criminal investigation is pending or about to begin. By law, a person tampers with or fabricates evidence when he or she:

1. believes an official proceeding is pending or about to begin and
2. (a) alters, destroys, conceals, or removes a record, document, or thing in order to impair its verity or availability in a proceeding or (b) makes, presents, or uses a record, document, or thing knowing it is false in order to mislead a

public servant who is or may be engaged in the official proceeding.

The act expands this crime to cover these actions when a criminal investigation is pending or about to begin. Under case law, this crime did not cover situations where a person believed that only an investigation, but not an official proceeding, was likely (*State v. Jordan*, 314 Conn. 354 (2014)).

By law, this crime is a class D felony.

§ 10 — AR AND 1ST AND 2ND DEGREE LARCENY

AR is a program that allows certain criminal defendants charged with nonserious crimes or motor vehicle violations to avoid prosecution and incarceration by successfully completing a court-sanctioned, community-based treatment program. Defendants who successfully complete the program have their charges dismissed.

The law excludes people charged with most class B felonies (see Table on Penalties) from participating in AR. People charged with some forms of the class B felony of 1st degree larceny may participate while others may not. By law, a person commits 1st degree larceny by depriving (1) someone of property or services valued at over \$20,000 or of any value if obtained by extortion or (2) a public community of property valued at over \$2,000 by fraud. Existing law prohibits someone from participating in AR if he or she committed the crime (1) while using, attempting to use, or threatening to use force or (2) by defrauding a public community and he or she is a public official or state or municipal employee.

The act additionally excludes someone charged with 1st degree larceny from participating in AR if he or she is a health care provider or vendor participating in the state's Medicaid program.

The law allows someone charged with a class C felony to participate in AR for good cause. The act excludes from AR participation someone charged with the class C felony of 2nd degree larceny when it involves defrauding a public community of \$2,000 or less and the person is a health care provider or vendor participating in the state's Medicaid program.

By changing eligibility for AR, the act also affects eligibility for the supervised diversionary program for people with psychiatric disabilities and certain veterans (see § 13).

§ 11 — PRETRIAL ALCOHOL EDUCATION PROGRAM

If a defendant meets the eligibility criteria for this program, the court has discretion to allow his or her participation and he or she is placed in an alcohol intervention or a state-licensed substance abuse treatment program after an evaluation. If the defendant

satisfactorily completes the program, the court dismisses the charges.

Eligibility

The act excludes from eligibility for this program people charged with:

1. 2nd degree manslaughter with a vessel (operating a vessel while under the influence of alcohol or drugs and causing another's death) or
2. 1st degree reckless vessel operation while under the influence (operating a vessel while under the influence of alcohol or drugs or with an elevated blood alcohol content and causing serious physical injury or more than \$2,000 of property damage).

By law, unchanged by the act, a defendant is generally eligible for this program if he or she is charged with driving under the influence (DUI), violating safe boating rules (including drunken boating), or 2nd degree reckless vessel operation while under the influence.

Prior Program Usage. Previously, someone was ineligible for this program if he or she was (1) charged with DUI and had used the program in the previous 10 years for a DUI violation or (2) charged with DUI while under age 21 and had used the program for either type of DUI crime. The act instead makes someone ineligible if he or she (1) is charged with DUI, DUI while under age 21, drunken boating, or 2nd degree reckless vessel operation while under the influence and (2) has used the program for any one of these charges within the previous 10 years.

Prior Convictions. Existing law makes someone ineligible if he or she has a prior conviction of DUI, 2nd degree manslaughter with a motor vehicle (that involves DUI), 2nd degree assault with a motor vehicle (that involves DUI), or a similar crime in another state. The act also makes ineligible someone previously convicted of DUI while under age 21, 2nd degree manslaughter with a vessel (that involves operating under the influence), drunken boating, 1st degree reckless operation of a vessel under the influence, or 2nd degree reckless vessel operation while under the influence, or a similar crime in another state (except DUI while under age 21).

Other Exclusions. The law makes ineligible, except for good cause, someone charged with DUI or DUI while under age 21 if the conduct caused serious physical injury to another. The act also makes ineligible, except for good cause, someone charged with drunken boating if it caused serious physical injury to another.

By law, a person is also ineligible if he or she is charged with DUI and was operating a commercial

vehicle or holds a commercial driver's license or instruction permit.

Reporting Program Usage

Prior law required the Judicial Branch's Court Support Services Division (CSSD) to report to the Department of Energy and Environmental Protection when someone charged with one of the boating crimes successfully completed the program. The act restricts when CSSD must report on people charged with violating rules for safe boating to instances when the safe boating violation involved drunken boating.

§ 12 — PRETRIAL DRUG EDUCATION AND COMMUNITY SERVICE PROGRAM

The act requires the drug education program portion of the pretrial drug education and community service program to be a 15-session, rather than a 15-week, program. By law, this criminal diversion program is for people charged with drug paraphernalia or possession crimes.

§ 13 — PRETRIAL SUPERVISED DIVERSIONARY PROGRAM

By law, this criminal diversion program is for people with psychiatric disabilities or certain veterans with mental conditions amenable to treatment.

The law ties eligibility for this program to the eligibility rules for AR. A person is ineligible for AR, and thus this program, if he or she could participate in the pretrial family violence education program. The act allows such a person to participate in the supervised diversionary program if it is the more appropriate program for the person under the circumstances.

By law, a person may only participate in this program twice.

§ 14 — CONDITIONAL RELEASE BY THE PSYCHIATRIC SECURITY REVIEW BOARD (PSRB)

By law, the court may commit someone who is found not guilty of a crime because of mental disease or defect to the PSRB for a term up to the maximum sentence authorized for the crime. The board has authority, based on findings about the person's mental condition, to conditionally release him or her under the board's jurisdiction.

Prior law allowed the board to conditionally release someone for supervision and treatment on an outpatient basis. The act specifies that release is from a hospital for psychiatric disabilities and no longer requires the treatment to be on an outpatient basis.

The act refers to someone with a "psychiatric disability" rather than a "mental illness" and specifies that a psychiatric disability does not include an abnormality manifested only by repeated criminal or other antisocial conduct.

The act also makes technical changes.

§ 15 — ASSAULT OF STATE OR MUNICIPAL ANIMAL CONTROL OFFICERS, SECURITY OFFICERS, OR RAIL PERSONNEL

Animal Control and Security Officers

The act makes assault of a state or municipal animal control officer or a licensed and registered security officer a class C felony, the same penalty as for assault of public safety, emergency medical, public transit and health care personnel, and liquor control agents, among others. A person commits this crime by assaulting a reasonably identifiable state or municipal animal control or security officer performing his or her duties, with intent to prevent the officer from performing the duties, by doing any of the following to the officer:

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

Prior law did not have a specific crime for assaulting these animal control or security officers. Generally, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor to a class A felony.

Rail Personnel

By law, assaulting a public transit employee under the circumstances described above is also a class C felony. Among those considered public transit employees, prior law included those operating a vehicle providing rail service or performing duties directly related to operating it. The act instead includes train operators, conductors, inspectors, signal people, and station agents involved in public rail service.

§§ 16 & 17 — SEXUAL ASSAULT

The act makes changes affecting sentencing for 1st degree sexual assault and 1st degree aggravated sexual assault.

It expands when courts can order probation for these crimes by allowing them to do so even when the crimes are class A felonies (see Table on Penalties).

This allows courts to impose what is often referred to as a “split sentence” (i.e., a term of imprisonment, part of which is suspended, followed by probation). The act does not reduce any mandatory minimums.

By law, there is a mandatory minimum prison term of two, five, or 10 years for 1st degree sexual assault, depending on the particular violation. Under prior law, the sentence had to include a term of imprisonment and special parole that totaled at least 10 years. As an alternative, the act allows a 10-year or longer term of imprisonment, any non-mandatory portion of which may be suspended.

For aggravated sexual assault, the act (1) raises the mandatory minimum in certain circumstances involving victims who are minors and (2) eliminates the prior requirement of five years or more of special parole.

By law, the mandatory minimums for these crimes may be higher if the person falls under the persistent offender statutes (CGS § 53a-40).

Probation for 1st Degree and 1st Degree Aggravated Sexual Assault

First-degree sexual assault and 1st degree aggravated sexual assault are generally class B felonies; they are class A felonies in some circumstances involving victims who are minors.

The act allows a court to suspend a non-mandatory portion of the sentence and impose probation for 1st degree or 1st degree aggravated sexual assault even when the crime is a class A felony. This is an exception to the existing law prohibiting courts from ordering probation for any class A felonies.

Under existing law, probation for these crimes when they are class B felonies must generally be for at least 10 years and no more than 35 years. This applies as well under the act when these crimes are class A felonies (CGS § 53a-29(f)).

First-Degree Aggravated Sexual Assault

By law, a person is guilty of this crime when the person commits 1st degree sexual assault and one of four aggravating factors are involved (e.g., the use or threatened use of a deadly weapon or intentionally causing certain serious injuries).

The act generally raises the mandatory minimum prison term, from five to 10 years, when this crime is a class A felony (i.e., when the victim is under age 16). The mandatory minimum, unchanged by the act, is 20 years if the crime involves forcible rape of a victim under age 16.

In all cases of 1st degree aggravated sexual assault, prior law required at least five years of special parole in addition to the mandatory minimum prison term. The act eliminates this requirement. For cases when this

crime is a class B felony, the act requires at least a 10-year prison sentence (including the existing five-year mandatory minimum).

When the crime is a class A felony, in addition to the mandatory minimum, the act allows the court to (1) suspend part of the sentence and impose probation as described above or (2) impose imprisonment and at least one year of special parole.

§ 18 — U.S. MARSHALS AS PEACE OFFICERS

The act expands the definition of a “peace officer” to include U.S. marshals and deputy marshals. These officers are the enforcement arm of the federal courts and are involved in a number of federal law enforcement initiatives. Among other things, designation as peace officers gives them certain arrest powers under state law; access to certain information; and legal protections when using force to apprehend someone, prevent an escape, or protect themselves or others.

The law designates the following as peace officers: state and local police officers, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution, investigators in the State Treasurer's Office, federal narcotics agents, and members of a law enforcement unit created and governed under a state-tribal memorandum.

§§ 19 & 20 — DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS

The act creates a Domestic Violence Offender Program Standards Advisory Council to promulgate; review; and, as needed, update and amend the domestic violence offender program standards presented to the Criminal Justice Policy Advisory Committee (CJPAC) on September 25, 2014.

Council Members, Appointment, and Reporting

The 16-member council consists of:

1. one representative of the Connecticut Coalition Against Domestic Violence, Inc., appointed by the House speaker;
2. one representative of a community-based organization that provides group counseling or treatment to people who committed acts of domestic violence, appointed by the Senate president pro tempore;
3. a community-based practicing psychologist or a licensed clinical social worker who provides

individual counseling or treatment services to people who committed acts of domestic violence, appointed by the House majority leader;

4. one representative of the Connecticut Police Chiefs Association, appointed by the Senate majority leader;
5. one representative of a community-based organization that provides services to adults with mental health or substance use disorders, appointed by the House minority leader;
6. one representative of a community-based organization that provides direct services to people impacted by domestic violence, appointed by the Senate minority leader;
7. one representative each of the Judicial Branch's Court Support Services Division (CSSD) and the Office of Victim Services, both appointed by the chief court administrator;
8. the Board of Pardons and Paroles' chairperson or his designee;
9. the chief state's attorney or his designee;
10. the chief public defender or her designee;
11. the children and families, correction, mental health and addiction services, and public health commissioners, or their designees; and
12. the victim advocate or her designee.

All appointments must be made by July 30, 2015 and any vacancies must be filled by the appointing authority. The representatives of the Connecticut Coalition Against Domestic Violence, Inc. and CSSD must chair the council. The chairpersons must hold the council's first meeting by August 29, 2015. Subsequent meetings must be held when called by the chairpersons or a majority of council members. The Judiciary Committee's administrative staff must serve as the council's administrative staff.

The council, starting by February 1, 2016, must annually report its activities to the Judiciary Committee, including any updates or amendments to the domestic violence offender program standards adopted in the previous calendar year.

Accessibility of Program Standards

The act requires CJPAC, by July 30, 2015, to submit to the chief court administrator the program standards presented to CJPAC on September 25, 2014. He must ensure the standards and any updates or revisions adopted by the council are accessible electronically on the Judicial Branch's website.

§§ 21 & 22 — FAMILY VIOLENCE INTERVENTION UNITS

By law, under CSSD's oversight, the local family violence intervention units within the Superior Courts accept referrals of family violence cases from judges or prosecutors. The act changes the scope of the intervention unit's role in the provision of victim and offender services.

Victim Service Needs

Prior law required the intervention units to (1) identify victim service needs and (2) contract with victim service providers to provide appropriate care to victims, including trauma-informed care. The act instead allows the Judicial Branch to contract with such providers.

Offender Treatment Programs

Under prior law, the intervention units were required to identify appropriate offender services and, where possible, by contract, provide treatment programs for offenders. The act instead (1) requires the intervention units to assess offenders to identify appropriate services and (2) allows the Judicial Branch to contract with providers of domestic violence offender treatment programs, which must comply with the domestic violence offender program standards. The act specifies that this provision does not apply to the pretrial family violence education program (see BACKGROUND).

The act requires the intervention units to monitor compliance of offenders participating in the pretrial family violence education program. (PA 15-5, June Special Session, § 441, also requires the units to monitor offenders referred to other pretrial services or programs.)

Prosecutor's Nolle Prosequi

By law, a nolle prosequi is an official action by the prosecutor declining to prosecute a charge. Under the act, if a family violence case initiated on or after July 1, 2016 is not referred to the local family violence intervention unit, the prosecutor may not nolle an action involving a family violence crime (see BACKGROUND) unless he or she states in court the reasons for doing so. If the reasons include the defendant's participation in a counseling or treatment program, the prosecutor must state that the program complies with the domestic violence offender program standards.

§§ 23 & 24 — FAMILY VIOLENCE VICTIM CONFIDENTIALITY

The act extends to family violence victims two protections existing law gives to certain sexual assault victims.

First, it gives family violence victims the right to withhold their addresses or telephone numbers during any trial or pretrial evidentiary hearing arising from such crime if the presiding judge finds the:

1. information is not material to the proceeding,
2. identity of the victim has been satisfactorily established, and
3. current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

Second, the act requires the names, addresses, and other identifying information of family violence victims to be kept confidential but requires that this information be (1) available to the accused in the same manner and time as such information is available to people accused of other crimes and (2) entered in the protective orders registry, if such an order is issued.

§ 25 – TERMINATION OF MASTER ASSOCIATIONS

Legislation enacted in 2014 created a process to terminate certain master associations under CIOA and transfer their assets to new nonstock corporations, upon the consent of owners with at least 25% of the units (see BACKGROUND). A master association is an association comprised of other common interest community associations.

Previously, this provision applied to master associations with at least 400 units. The act narrows its applicability, allowing this process for master associations with at least 400, but no more than 600, units.

§§ 26 & 27 — CIOA EXECUTIVE BOARD ACTIONS

Prior law allowed executive boards under CIOA to act by unanimous consent of board members, instead of meeting. The act lowers this threshold to two-thirds consent and makes conforming changes to recordkeeping and notice requirements regarding these actions.

As under existing law, the act continues to require executive boards to meet at least twice a year.

§ 28 — FAILING TO STOP AFTER ACCIDENT INVOLVEMENT

The act increases the penalty for drivers who are knowingly involved in accidents causing serious

physical injury or death and fail to stop after being involved in certain accidents.

By law, these drivers must stop, render assistance, and give their identifying information to an officer or witness. The act doubles the penalty for failing to do so by increasing the:

1. prison penalty of between one and 10 years to between two and 20 years and
2. maximum fine from \$10,000 to \$20,000.

§ 29 — SUBPOENAS FROM OUT-OF-STATE ACTIONS

Existing law allows taking the deposition of someone living in Connecticut for a civil or probate proceeding in a federal court or another state's or country's court. The Superior Court may quash, modify, or enforce a subpoena for the deposition.

The act allows someone who receives a subpoena related to a civil or probate action in another state or a foreign country and is not a party to that proceeding to serve a written objection on the party who requested the subpoena that the subpoena causes him or her an undue or unreasonable burden or expense. It applies to a subpoena that either requires the person to appear at a deposition or produce, provide copies of, or allow inspection of books, papers, documents, and other things. The subject of the subpoena must serve the subpoena issuer with the objection and an affidavit of costs with the estimated or actual costs of complying with the subpoena, which can include attorneys' fees and electronic discovery costs.

The act requires the subject of the subpoena to serve the objection and affidavit on the subpoena issuer within the earlier of 15 days after being served with the subpoena or the date specified for complying with the subpoena. The act requires service by certified or registered U.S. mail, postage paid and return receipt requested and prohibits using a state marshal or other officer.

Under the act:

1. the party who requested the subpoena must obtain an order from the Superior Court to compel compliance and may, after notice, file a motion in Superior Court to order compliance;
2. on such a motion, the Superior Court must determine whether the subpoena imposes an undue or unreasonable burden or expense; and
3. if the court finds such an undue or unreasonable burden or expense, any order must protect the person from it and, except for a subpoena related to medical records, the order may include at least reimbursement of reasonable compliance costs according to the affidavit of costs.

The act's provisions do not apply to personal injury or wrongful death actions alleging health care provider or institution professional malpractice.

§ 30 — ADVERSE POSSESSION

The act prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession. The law already prevents land owned by a nonprofit land-holding organization from being acquired by adverse possession when one of the organization's principal purposes is land conservation and preservation.

Connecticut law recognizes adverse possession as a way to acquire title to property. Adverse possession is accomplished by an open, visible, exclusive, and uninterrupted possession of land for 15 years (CGS § 52-575). The law also recognizes the right to acquire a right-of-way or other easement by continuous, uninterrupted use of someone else's land for 15 years (CGS § 47-37).

BACKGROUND

Pretrial Family Violence Education Program

By law, the pretrial family violence education program informs people charged with family violence crimes of the basic elements of family violence law and applicable penalties. The court may, in its discretion, invoke such a program at the request of the defendant under specified conditions, including that the defendant is not charged with certain felonies and has not previously (1) been convicted of certain family violence crimes, (2) been assigned to the family violence education program, and (3) invoked or accepted AR for certain family violence crimes (CGS § 46b-38c(h)).

Family Violence

By law, "family violence" is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument does not constitute family violence unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

Master Association Termination

Under PA 14-215, in addition to the limitation on the number of units noted above, the termination process applies to master associations:

1. governed by a board of directors with one individual representing each constituent

common interest community, who is on the constituent community's board and

2. whose board has a weighted vote based on the number of units in each constituent community.

Under that act, the association is terminated and dissolved if at least 25% of unit owners consent in writing. After dissolution, the association must convey its assets to a new nonstock corporation. The association of each constituent community must appoint a member to the nonstock corporation's board, and each board member must have an equal vote in board matters.

CIOA

CIOA governs the creation, alteration, management, termination, and sale of condominiums and other common interest communities formed in Connecticut on and after January 1, 1984 (CGS § 47-200 et seq.). Certain CIOA provisions (including those amended by this act concerning executive boards) also apply to common interest communities created in Connecticut before January 1, 1984 but do not invalidate existing provisions of the communities' governing instruments. Common interest communities created before that date can amend their governing instruments to conform to portions of CIOA that do not automatically apply (CGS §§ 47-214, 216, & 218).

PA 15-213—HB 6921

Judiciary Committee

AN ACT CONCERNING INVASIONS OF PRIVACY

SUMMARY: This act makes a number of changes regarding voyeurism crimes and victims. It:

1. expands the conduct punishable as voyeurism and expands the sex offender registry requirements to cover this new conduct;
2. increases the penalty for voyeurism when the victim is under age 16 or the offender has a prior conviction of voyeurism or certain other crimes;
3. extends the statute of limitations for voyeurism in certain circumstances;
4. increases the possible probation term for certain types of voyeurism; and
5. extends to voyeurism victims three protections existing law gives to certain sexual assault victims regarding their names, addresses, and other identifying information.

It also creates a new crime of unlawful dissemination of an intimate image, making it a class A misdemeanor (see Table on Penalties) to harm another

person by intentionally disseminating certain photos, film, videos, or other recorded images of the other person without that person's consent and knowing that the person understood the images would not be disseminated.

EFFECTIVE DATE: October 1, 2015

§§ 1 & 2 — VOYEURISM CRIME AND PENALTIES

Criminal Conduct

The act expands the crime of voyeurism in two ways. First, it punishes someone who:

1. intends to arouse or satisfy his or her sexual desire;
2. commits simple trespass (entering property knowing he or she is not entitled to do so without intent to harm property);
3. observes another person who is inside a dwelling and not in plain view under circumstances where there is a reasonable expectation of privacy; and
4. does not have the other person's knowledge or consent and the observation is not casual or cursory.

Second, it punishes someone who:

1. intends to arouse or satisfy his or her or someone else's sexual desire;
2. knowingly photographs, films, videotapes, or otherwise records the victim's genitals, pubic area, buttocks, or undergarments or stockings used to clothe them, when they are not in plain view; and
3. records such an image without the victim's knowledge and consent.

Under existing law, a person commits voyeurism when (1) he or she knowingly photographs, films, videotapes, or records the victim's image; (2) he or she acts maliciously or intends to satisfy his or her or another's sexual desire; and (3) the victim is not in plain view, has a reasonable expectation of privacy under the circumstances, and does not know of, or consent to, the conduct.

Penalty

Prior law punished all voyeurism crimes as class D felonies (see Table on Penalties). Under the act, a first offense is a class D felony but the act makes it a class C felony if the (1) victim is under age 16 or (2) offender has a prior conviction of:

1. risk of injury to a minor involving sexual contact with a child under age 16;
2. 1st, 2nd, or 3rd degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; or sexual assault in a spousal or cohabiting relationship;

3. enticing a minor, promoting a minor in an obscene performance, or importing child pornography; or
4. 1st, 2nd, or 3rd degree child pornography possession.

Under the act, any subsequent voyeurism conviction is a class C felony.

Statute of Limitation

The act extends the time period for prosecuting the types of voyeurism crimes involving recording the victim's image. Previously, all voyeurism prosecutions had to begin within five years after the date of the offense. For voyeurism crimes involving recordings, the act allows prosecutions to begin within five years from the date the victim discovers the recording's existence.

Probation Term

Prior law allowed a court to impose a three-year probation term, with discretion to increase it to five years, after a conviction of any type of voyeurism crime. The act increases the possible probation term to a minimum of 10 years and a maximum of 35 years, when the voyeurism conviction involves (1) the types of voyeurism added by the act or (2) recording the victim's image when the victim is not in plain view with intent to satisfy the voyeur's or another's sexual desire.

§§ 3 & 4 — SEX OFFENDER REGISTRATION

The act designates committing the types of voyeurism it adds as "nonviolent sexual offenses" subject to 10-year sex offender registration. The act allows the court to exempt a person from registration if it is not required for public safety. Existing law subjects to this same requirement and possible exemption voyeurism committed by recording the victim's image when the victim is not in plain view with intent to satisfy the voyeur's or another's sexual desire.

By law, lifetime registration is required for someone who subsequently commits (1) another nonviolent sexual offense or (2) a crime designated as a "criminal offense against a victim who is a minor."

§§ 5-7 — PROTECTIONS FOR VOYEURISM VICTIMS' NAMES AND ADDRESSES

The act extends to voyeurism victims three protections the law gives to certain sexual assault victims regarding their names and addresses.

First, the act allows agencies to exempt from disclosure to the public under the Freedom of Information Act (FOIA) law enforcement records created in detecting or investigating a crime that are not

otherwise available to the public, when disclosure would not be in the public interest because it discloses a victim's name and address.

Second, the act prohibits requiring a voyeurism victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing arising from the voyeurism incident if the judge finds the (1) information is not material, (2) victim's identity is satisfactorily established, and (3) victim's current address will be given to the defense in the same way as with cases involving other offenses.

Third, the act makes confidential a voyeurism victim's name, address, and other information the court determines is identifying, but allows:

1. a court to order disclosure;
2. the accused to have access to the information in the same way as for cases involving other offenses; and
3. if a protective order is issued in the prosecution, the victim's name, address, and information to be entered in the protective order registry (which makes the information available to certain officials and others but otherwise bars disclosure except under court order and a victim can place certain limitations on its use).

By law, these three protections already apply to the names, addresses, and information of victims of:

1. 1st, 2nd, 3rd, or 4th degree sexual assault;
2. 1st degree aggravated sexual assault;
3. 3rd degree sexual assault with a firearm;
4. risk of injury to a minor; or
5. an attempt to commit one of these crimes.

§ 8 — UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE

The act creates a new crime to punish someone who harms another person by intentionally disseminating certain photos, film, videos, or other recorded images of the other person without that person's consent and knowing the person understood the images would not be disseminated. The disseminated image must be of the (1) other person engaged in sexual intercourse or (2) other person's genitals, pubic area, or buttocks with less than fully opaque covering or, if a female, breast with less than a fully opaque covering of any portion below the top of the nipple. The act applies to using electronic or other means to sell, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, present, exhibit, advertise, or otherwise offer the image.

The act does not apply to disseminating an image if:

1. it serves the public interest,
2. the person voluntarily (a) exposed himself or herself or (b) engaged in sexual intercourse in a

public place (a public or privately owned area used or held out for use by the public) or commercial setting, or

3. the person is not clearly identifiable.

The act makes this crime a class A misdemeanor.

The act specifies that it does not impose liability on certain service providers for content provided by another. This applies to interactive computer services, such as Internet access services; information services, such as electronic publishing; and telecommunication services.

PA 15-214—HB 7003

Judiciary Committee

AN ACT CONCERNING THE VALIDITY OF MARRIAGES

SUMMARY: This act provides that a marriage is not presumed invalid or bigamous because one party's prior divorce, which was legally entered in another state or country, does not meet Connecticut's jurisdictional requirements.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Connecticut Divorces and Recognition of Out-of-State Divorce Judgments

A number of requirements govern dissolution of marriage proceedings. To obtain a divorce decree from a Connecticut court, at least one party must be a state resident (CGS § 46b-40 et seq.).

Divorce judgments from other states are enforceable in Connecticut if both parties entered an appearance in the other state's court proceeding and the judgment does not contravene Connecticut's public policy (CGS §§ 46b-70 et seq.).

Connecticut courts recognize divorce judgments from other countries as a matter of comity (i.e., respect for foreign courts rather than as a legal obligation). But, courts do not recognize them under certain circumstances, such as when the foreign court did not have jurisdiction or did not provide the parties with due process. Jurisdiction generally requires a party to be living in that country at the time of the decree (*Juma v. Aomo*, 143 Conn. App. 51 (2013), citing *Litvaitis v. Litvaitis*, 162 Conn. 540 (1972)).

PA 15-216—sHB 7027

Judiciary Committee

AN ACT CONCERNING RISK REDUCTION CREDITS, CARRY PERMITS AND PAROLE OFFICER ACCESS TO STATE FIREARMS DATABASE

SUMMARY: This act makes several unrelated changes affecting risk reduction credits and firearms.

Regarding risk reduction credits earned by inmates, it:

1. expands the list of crimes that bar inmates from earning the credits;
2. requires prison wardens to verify that an inmate being released from a prison earned the credits that are reducing his or her sentence; and
3. requires the Department of Correction (DOC) commissioner, quarterly beginning by January 1, 2016, to report to the General Assembly and post on the department's website certain information about inmates released early because of earned credits.

The act requires a handgun (pistol or revolver) permit holder to present his or her permit to a law enforcement officer who requests it for purposes of verifying the permit's validity or person's identity if the officer observes the person carrying a handgun and has reasonable suspicion of a crime. By law, a permit holder must carry the permit while carrying a handgun (see **BACKGROUND**).

It also adds parole officers performing their duties to the list of people who may access the names and addresses of people (1) issued permits to carry or sell handguns, handgun or long gun eligibility certificates, assault weapon possession certificates, or ammunition certificates or (2) who declared possession of large capacity magazines.

By law, this information can also be disclosed to (1) law enforcement officials, including U.S. probation officers performing their duties; (2) the mental health and addiction services commissioner to carry out statutory gun-related responsibilities; and (3) gun or ammunition sellers, as necessary for the relevant government agency to verify a prospective gun or ammunition buyer's credential.

EFFECTIVE DATE: October 1, 2015

RISK REDUCTION CREDITS

Earning Credits

The act expands the list of crimes that bar inmates from earning risk reduction credits. It prohibits someone convicted of 1st degree manslaughter, 1st degree manslaughter with a firearm, or aggravated

sexual assault of a minor, or as a persistent dangerous felony offender or persistent dangerous sexual offender (see **BACKGROUND**), from earning the credits. By law, inmates convicted of the following crimes cannot earn these credits: murder, murder with special circumstances, felony murder, arson murder, 1st degree aggravated sexual assault, or home invasion.

By law, an eligible inmate can earn up to five days per month to reduce his or her maximum prison sentence, at the DOC commissioner's discretion, for good conduct, obeying rules, adhering to offender accountability plans, and participating in certain programs and activities. Good conduct and obedience alone do not entitle an inmate to credits. Inmates convicted of a violent crime or 2nd degree burglary cannot use the credits to become eligible for parole sooner than they otherwise would. Inmates convicted of non-violent crimes have their parole eligibility based on their sentences as reduced by the credits (CGS § 54-125a).

The act requires the warden of a facility, before releasing an inmate who earned credits, to review the inmate's records to verify that he or she earned the credits to reduce his or her prison sentence.

Reports

The act requires DOC, after consulting with the Office of Policy and Management's Criminal Justice Policy and Planning Division, to issue a quarterly report to the legislature including:

1. the (a) total number of inmates released and (b) number released early as a result of earning risk reduction credits;
2. the criminal convictions of the released inmates;
3. the amount of credits earned by inmates released early because of the credits; and
4. any recidivism data on inmates released early because of the credits, such as reentry rates into prisons, time between release and return to prison, and the criminal convictions that resulted in their return to prison.

DOC must post each report on its website within 30 days of submitting it.

BACKGROUND

Persistent Offenders

By law, a "persistent dangerous felony offender" is someone who stands convicted of certain serious crimes who has a prior conviction for certain serious crimes (CGS § 53a-40(a) and (h)).

By law, a "persistent dangerous sexual offender" is someone who stands convicted of certain sexual assault crimes and has a prior conviction for certain sexual

assault crimes (CGS §§ 53a-40(b) and (i)).

Related Case

At least one Superior Court ruled that the statute requiring someone to carry his or her firearm permit does not also require showing it to a police officer when requested to do so (*DESPP v. Board of Firearms Permit Examiners, et al.* No. HHB CV 14-6026730S, May 13, 2015).

PA 15-217—sHB 7029

Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes various substantive, minor, and technical changes in probate statutes. For example, the act extends the jurisdiction of the Council on Probate Judicial Conduct to cover misconduct complaints against probate magistrates, attorney probate referees, and candidates for probate judgeships. It eliminates the option of requesting a three-judge panel for most probate matters.

Effective January 9, 2019, the act removes Plainville from the probate district with Bristol and Plymouth, instead placing it in the district with Burlington and Farmington.

The act makes certain changes concerning conservatorships, such as expanding the probate districts with jurisdiction over a petition for voluntary conservatorship. It allows a person with actual physical custody of a minor to apply to remove a parent as the minor's guardian. It gives the governor the discretion to call a special election to fill a probate court vacancy, rather than making it mandatory. It allows the probate court to appoint a successor trustee of an inter vivos trust before there is a trustee vacancy if the court finds that a vacancy is likely to occur.

Among other things, the act also:

1. eliminates a probate court administrator annual reporting requirement concerning attorney probate referees;
2. makes changes to the statute on affidavits in lieu of administration for settlement of small estates;
3. makes changes concerning probate court budgetary matters, such as specifically requiring probate courts to maintain checking accounts;
4. clarifies notice requirements regarding proceedings to appoint a guardian for an adult with intellectual disability; and

5. codifies current practice by allowing probate courts to serve as passport acceptance agencies.
- EFFECTIVE DATE: October 1, 2015, unless otherwise noted below.

§§ 1-6 & 28 — THREE-JUDGE PANELS

Under existing law, the probate court administrator must transfer certain matters to a three-judge panel, usually upon motion of the affected person, a party, or the judge in the case.

The act removes the general option for a party or the judge to request a transfer of any on-the-record probate matter to a three-judge panel.

It also eliminates these transfers in:

1. an appeal of an isolation or quarantine order imposed by a local health director and
2. a review of an emergency commitment order issued by a local health director, or a petition by a local health director for a judicial commitment order, for someone with active tuberculosis.

Under prior law for these matters, the affected person or his or her counsel could request the transfer; the judge could also transfer the matter himself or herself, except for isolation or quarantine matters.

The act continues to require three-judge panels (1) in certain habeas corpus matters brought in probate court (see below) and (2) upon motion, in applications for involuntary commitment of a child or an adult to a psychiatric hospital.

§ 6 — *Habeas Corpus*

By law, petitions for a writ of habeas corpus challenging an involuntary conservatorship or guardianship can be brought in the Superior Court or probate court; if the latter, they must be heard by a three-judge panel. A majority vote is needed to continue the conservatorship or guardianship.

Under prior law, an appeal to Superior Court from the three-judge probate panel's decision had to be filed in the judicial district where the probate court that appointed the guardian or conservator was located. If the appointing court is in a probate district that extends into multiple judicial districts, the act allows the appeal to be brought in any judicial district with part of the probate district in it.

§§ 8-15 — COUNCIL ON PROBATE JUDICIAL CONDUCT

Under existing law, the Council on Probate Judicial Conduct investigates complaints alleging various types of misconduct by probate judges. The act extends the council's jurisdiction to cover misconduct complaints against probate magistrates, attorney probate referees

(see BACKGROUND), and candidates for probate judgeships.

Specifically, it requires the council to investigate written complaints it receives alleging that a probate magistrate or attorney probate referee, in performing his or her duties, violated any applicable law or canon of ethics. It also requires the council to investigate written complaints alleging that candidates for probate judgeships (other than incumbents) violated any applicable law or canon of ethics (1) while a candidate or (2) if elected, during the period between the election and the start of the term.

For this purpose, a person is a candidate after (1) publicly announcing his or her candidacy, (2) declaring or filing as a candidate with the state Elections Enforcement Commission, or (3) authorizing solicitations or accepting contributions or support for his or her candidacy.

EFFECTIVE DATE: July 1, 2015

Investigation Procedures

In general, the act extends the council's existing procedures to the investigations of probate magistrates, attorney probate referees, and candidates for probate judgeships. For example, in conducting an investigation, the council may use the services of legal counsel or various investigators. The respondent (the subject of the complaint) has the right to (1) be heard, (2) be represented by counsel, and (3) examine and cross-examine witnesses.

As under existing law for investigations of probate judges, the council must notify the respondent within five days of receiving a complaint. Within seven business days of completing its investigation, the council must notify the complainant and respondent as to whether it found probable cause that misconduct occurred.

Under existing law, any such probable cause investigation must be confidential, and anyone the council calls upon to provide information must not disclose his or her knowledge of the investigation to third parties unless the respondent requests this disclosure. If the probate rules of procedure require the respondent to disclose a complaint, the act extends to the person receiving that information this same limitation on further disclosure.

As under existing law, if a preliminary investigation shows probable cause that the person committed misconduct, the council must hold an open hearing and publish its findings within 15 days after the close of the hearing. The council must recommend whether the person should be publicly admonished, publicly censured, or exonerated. The council may issue a private admonishment for certain improper behavior that does not rise to the level of misconduct.

If the council recommends a public admonishment or censure, the respondent may appeal to the state Supreme Court. Under existing law for probate judges under investigation, a copy of the admonishment or censure must be sent to certain people, including the town clerks in the judge's probate district. The act also requires notice to appropriate town clerks for cases involving probate candidates.

By law, the council may recommend that the House of Representatives bring impeachment proceedings against a probate judge. The act also allows the council to recommend that the chief justice suspend or remove from office a probate magistrate or attorney probate referee. It allows the chief justice, upon the recommendation of the council or probate court administrator, to suspend or remove a probate magistrate or attorney probate referee for reasonable cause.

§ 8 — ANNUAL REPORT ON PROBATE REFEREES

The act eliminates the requirement that the probate court administrator annually report to the governor and the Judiciary Committee on (1) the number of attorney probate referees nominated, appointed, and assigned during the prior year and (2) an analysis of their geographic, racial, and ethnic diversity.

EFFECTIVE DATE: July 1, 2015

§ 16 — AFFIDAVIT IN LIEU OF ADMINISTRATION FOR SMALL ESTATES

The act updates the statute on expedited settlement of small estates. This procedure applies if the deceased person had no solely owned real estate and any personal property subject to probate is valued at \$40,000 or less.

Under existing law, when this statute applies, instead of filing an application for admission of a will to probate or letters of administration, the appropriate party (e.g., the surviving spouse) may file an affidavit with the probate court stating whether the decedent's debts have been paid as prescribed by law. Generally, if the appropriate party files this affidavit and no formal probate proceedings have been instituted, the court issues a decree authorizing the transfer of the property to pay any outstanding claims against the estate, with the balance going to the persons legally entitled to them.

The act makes various changes to clarify this process and remove obsolete language. Among other things, the act:

1. requires the court to send a copy of the affidavit to the Department of Administrative Services in all cases, rather than only when the petitioner indicated that the decedent received public assistance or institutional care from the

- state;
2. specifies that this procedure may be used even when the total amount of claims, expenses, and taxes exceed the value of the decedent's estate, provided insolvency procedures are not required;
 3. removes the requirement for the person transferring motor vehicles or boats under this process to charge \$3 and \$1 for each transfer, respectively;
 4. removes the requirement that the probate court notify the revenue services commissioner about these decrees in some circumstances; and
 5. removes specific references to claims of funeral directors or other creditors owed debts from the decedent's last sickness. (They continue to be eligible for transfers as creditors under the act.)

§§ 17-19 — PROBATE BUDGETS AND RELATED MATTERS

The act requires each probate court to maintain a checking account for its annually budgeted office funds, as transferred from the probate court administration fund. The court must disburse funds from the account to pay for its budgeted expenses.

It allows probate courts to hold in escrow any money someone pays in anticipation of future fees and expenses, as an exception to the general requirement that probate courts remit all fees to the state treasurer for deposit in the probate court administration fund. Under the act, a probate court must deposit any such escrow funds in a checking account it maintains for this purpose. When the court charges a fee or expense to someone who has previously paid funds into escrow, the court must immediately remit the amount to the state treasurer.

The act also allows the probate court administrator to (1) designate one or more probate courts to administer grants from the kinship fund and grandparents and relatives respite fund and (2) transfer grant funds to courts as he determines necessary under the programs. Each designated court must maintain separate checking accounts for these funds and disburse funds from the accounts to pay for court-approved grants.

Under the act, in each of these contexts:

1. the court must maintain the checking account in its own name, at a bank, Connecticut or federal credit union, or an out-of-state bank that has a branch in Connecticut;
2. the court must not commingle these funds with other funds; and
3. existing law's provisions for the deposit of public money (CGS § 4-33) do not apply to the

management of these funds. (Among other things, those provisions set limits on the amount of public deposits in any one public depository or bank.)

The act also specifies that probate office budget funds are not subject to existing law's requirements regarding comptroller approval of purchase orders (CGS § 4-98).

EFFECTIVE DATE: Upon passage

§ 20 — REMOVAL OF PARENT AS MINOR'S GUARDIAN

The act allows a person with actual physical custody of a minor to apply to probate court to remove one or both parents as the minor's guardian. It eliminates the existing authority of the court to apply for this removal on its own motion.

Under existing law, any adult relative of a minor, or the minor's counsel, may also apply to remove a parent or parents as guardian.

EFFECTIVE DATE: January 1, 2016

§ 21 — PETITION FOR VOLUNTARY CONSERVATORSHIP

Under prior law, a person seeking a voluntary conservatorship had to apply in the probate court for the district where he or she resided or was domiciled. The act also allows the person to apply in the district where he or she is located when filing the petition. This corresponds with the law for involuntary conservatorships (CGS § 45a-648).

EFFECTIVE DATE: January 1, 2016

§ 22 — NOTICE OF PROCEEDING TO APPOINT GUARDIAN FOR ADULT WITH INTELLECTUAL DISABILITY

By law, probate courts must notify certain people of hearings to appoint a guardian of an adult with intellectual disability. Prior law required notice by first class mail to certain recipients and allowed the court to direct the form of notice to others. The act specifies that notice to all such people must be made by first class mail and makes clarifying changes.

EFFECTIVE DATE: January 1, 2016

§ 23 — CONSERVATOR'S DEED

The act specifies that a conservator's deed may be used to convey property owned by a person under either voluntary or involuntary conservatorship, rather than an "incapable person." By law, this deed may be used if authorized by a probate court.

§ 24 — SPECIAL ELECTION TO FILL PROBATE VACANCY

The act allows, rather than requires, the governor to call a special election to fill a probate court vacancy or impending vacancy. It requires the probate court administrator to choose another probate judge to temporarily fill the vacancy under existing law's procedures.

§ 25 — PASSPORT ACCEPTANCE AGENCIES

The act codifies current practice by giving each probate judge the option to have his or her court serve as a passport acceptance agency, according to federal law and regulations. Under federal regulations, state court employees meeting certain requirements may serve as passport acceptance agents, when designated by the U.S. State Department (22 CFR § 51.22).

EFFECTIVE DATE: Upon passage

§ 26 — SUCCESSOR TRUSTEE FOR INTER VIVOS TRUST

By law, the probate court may appoint a person to serve as trustee when a trustee dies, becomes incapable, resigns, or refuses to accept the trust and the trust does not provide for filling a vacancy.

The act allows the probate court to appoint a successor trustee of an inter vivos trust before any of these events occur, if the court finds that a trustee vacancy is likely to occur. (An inter vivos trust is one established during a person's lifetime, as opposed to a testamentary trust.)

Under the act, the court must specify the conditions that the successor trustee must meet before becoming trustee. If a vacancy occurs, the successor may assume the trustee role immediately upon satisfying the conditions in the court order, without further court action.

§ 27 — PLAINVILLE PROBATE DISTRICT

Prior law included Plainville as part of a probate district with Bristol and Plymouth. Starting with the term following the next general probate election, the act shifts Plainville to the district with Burlington and Farmington. Under existing law, unchanged by the act, there are 54 probate districts in the state.

EFFECTIVE DATE: January 9, 2019

BACKGROUND

Probate Magistrates and Attorney Probate Referees

Probate courts may refer certain matters, with the consent of the parties or their attorneys, to a probate

magistrate or attorney probate referee. After hearing the matter, the magistrate or referee files a report of factual findings and conclusions. The court must hold a hearing on the report and can accept, modify, or reject it.

The probate court administrator nominates qualifying individuals to be probate magistrates and attorney probate referees for the Supreme Court chief justice's consideration and appointment.

Among other requirements, a probate magistrate must be a former probate judge; an attorney probate referee must be a person licensed to practice law in Connecticut and in good standing for at least five years. Probate magistrates are paid for each day of service; attorney probate referees are unpaid (CGS §§ 45a-123 & -123a).

PA 15-218—HB 7048

Judiciary Committee

AN ACT CONCERNING PREVENTION, DETECTION AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES

SUMMARY: Within available appropriations, this act requires state and municipal agencies that incarcerate or detain juvenile offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The covered agencies are prisons, jails, community correction facilities, juvenile facilities, and lockups.

This requirement already applies to agencies incarcerating adult offenders.

EFFECTIVE DATE: October 1, 2015

STANDARDS

As with adult offenders, the act requires the covered agencies to adopt and comply with certain commission standards for juvenile offenders. These include:

1. establishing a zero tolerance policy on sexual abuse and notifying detainees, attorneys, contractors, and inmate workers of it;
2. providing heightened protection for vulnerable detainees;
3. limiting cross-gender viewing and searches;
4. properly training employees, volunteers, and contractors;
5. screening for risk of victimization and abusiveness;
6. establishing procedures for inmates, detainees, and third parties to report abuse;

7. giving inmates access to outside confidential support services or legal representation;
8. establishing the duty to investigate incidents and providing for criminal and administrative investigations;
9. establishing disciplinary sanctions for staff and inmates;
10. providing access to emergency and ongoing medical and mental health services for sexual abuse victims and abusers;
11. collecting and reviewing data for corrective action; and
12. auditing the standards.

BACKGROUND

National Prison Rape Elimination Commission

Congress created this commission to study the causes and consequences of sexual abuse in prison and develop standards to eliminate prison rape. The commission submitted its report in June 2009. The report included detailed standards to reduce sexual abuse of offenders in adult prisons and jails, juvenile detention facilities, facilities housing immigration detainees, lock-ups, and community corrections facilities.

In 2012, the U.S. Department of Justice adopted national standards in rules, although some provisions have not yet taken effect (28 CFR Part 115).

PA 15-234—sSB 900

Judiciary Committee

AN ACT CONCERNING THE ADOPTION OF THE UNIFORM PARTITION OF HEIRS' PROPERTY ACT AND ESTATES GIVEN IN FEE TAIL

SUMMARY: This act creates separate procedures governing actions to partition real property when the property is “heirs’ property.” The act’s provisions apply if the property meet certain criteria and is owned by multiple parties as tenants in common, a form of ownership where more than one person owns the property and each has an interest that does not terminate on his or her death and can be passed on to his or her heirs. A partition action happens when a party (cotenant) seeks to physically divide the property into separate parcels.

Under the act, when a cotenant files an action to partition property, the court must determine if the property is heirs’ property. If it is heirs’ property, the court must determine its fair market value and follow

the act’s, rather than existing law’s, procedures for partitioning it. The act’s procedures allow cotenants to buy all of the interests of cotenants seeking to sell the property in the partition action. If all of those interests are purchased, the court reallocates the ownership interests in the property. If no cotenant elects to buy the interests or an interest remains unpurchased after following the act’s procedures, the court must partition the property by (1) selling it (partition by sale) or (2) physically dividing it into separate parcels (partition in kind), depending on the circumstances the act specifies.

The act also abolishes restrictions on land conveyances that exist when a person obtains the land through a “fee tail” provision of a will or deed. It allows the person holding land in “fee tail” to convey ownership when and to whom he or she chooses, instead of requiring that ownership pass upon his or her death to his or her descendants, who may then convey it as they choose. A person holds land in “fee tail” when the deed or will that conveyed the land specifically states that the conveyance is to a person “and the heirs of his or her body.”

EFFECTIVE DATE: October 1, 2015

§ 2 — HEIRS’ PROPERTY

The act’s partition procedures apply to heirs’ property, which the act defines as real property held in tenancy in common under certain circumstances. Property falls under this definition when, on the date a partition action is filed:

1. there is no agreement that governs partition in a record (which include electronic documents) binding all cotenants;
2. at least one cotenant acquired title from a living or deceased relative; and
3. at least 20% of the (a) interests are held by cotenants who are relatives, (b) interests are held by an individual who acquired title from a living or deceased relative, or (c) cotenants are relatives.

For purposes of the act, “relatives” include those in an individual’s direct lineage (such as a person’s parents and children); others considered relatives under intestate succession law (such as uncles and cousins); and individuals otherwise related by blood, marriage, adoption, or state law.

§ 3 — WHEN THE ACT APPLIES TO A PARTITION ACTION

If a party brings a partition action in probate or Superior Court on or after October 1, 2015, the act requires the court to determine if the property is heirs’ property. If it is, the court and the parties must follow the act’s provisions instead of existing law unless all

cotenants agree otherwise in a record.

The act supplements existing law. But when the act applies to a partition action, its provisions replace any inconsistent provisions of existing law.

If the property is not heirs' property, the court must follow existing law for a partition action.

§ 4 — SERVICE AND NOTICE IN PARTITION ACTIONS

The act does not affect the method of serving a complaint in a partition action. But, if the plaintiff seeks an order of notice by publication and the court determines the property may be heirs' property, the act requires the plaintiff to post a conspicuous sign on the property. The plaintiff must post the sign within 10 days of the court's determination and keep it posted during the action. The sign must state:

1. that the action began,
2. the court's name and address, and
3. how the property is commonly known.

The court may also require posting the plaintiff's and any known defendant's name.

§ 5 — APPOINTING A COMMITTEE IN PARTITION ACTIONS

Existing law allows the court to appoint a committee to assist it in an action to partition property. If it does so, the act requires committee members to be disinterested and impartial and prohibits parties or other participants in the action from being committee members.

§ 6 — DETERMINING FAIR MARKET VALUE OF HEIRS' PROPERTY

Options to Determine Value

After the court determines that property is heirs' property, the act requires it to determine the property's fair market value by using any value or valuation method all cotenants agree to or, if they do not agree on one, ordering an appraisal. If it orders an appraisal, the court must appoint a disinterested Connecticut-licensed real estate appraiser to determine the value.

If the cost of an appraisal outweighs its evidentiary value, the court must hold a hearing to determine the property's value and notify the parties of the value.

Appraised Value

If the court orders an appraisal, the act requires the appraiser to determine the value, assuming a single owner owns the property outright (in fee simple). The appraiser must file a sworn or verified appraisal with the court. The court must notify, within 10 days of

receiving the appraisal, all parties with known addresses:

1. of the property's appraised fair market value,
2. that the appraisal is in the clerk's office, and
3. that a party has 30 days after the notice is sent to state any grounds for objecting to the appraisal.

Whether or not a party objects, the court must hold a hearing to determine fair market value, but not until at least 30 days after sending the notice. The court may consider the appraisal and any other valuable evidence a party offers at the hearing. It must then send another notice of the fair market value to the parties.

§ 7 — OPTION TO PURCHASE INTERESTS

The act allows a cotenant to request partition by sale, which is a court-ordered sale of the entire property by auction, sealed bids, or open-market sale after the property's fair market value is determined. After such a request, the court must send notice that any of the other cotenants can buy the interests of the cotenants requesting the sale. A cotenant has up to 45 days after notice is sent to notify the court that he or she wants to buy these interests. The purchase price of each interest is determined using the fair market value as multiplied by a cotenant's fractional ownership of the property.

If no cotenant elects to buy all of the interests, the act requires the court to notify the parties and order either partition in kind or partition by sale (see § 8 below). If at least one cotenant elects to buy, the court must follow the procedures described below to determine whether all of the interests will be purchased.

Cotenants Electing to Buy

The act requires the court to notify the parties if a cotenant elects to buy the interests of all cotenants requesting partition by sale. If more than one cotenant elects to do so, the court must allocate their right to buy interests according to a formula. The following example illustrates how the court would apply the formula. If four cotenants each own 25% of the property and one seeks to sell, the other three cotenants may seek to purchase that interest. The three seeking to purchase would each be able to purchase one-third of the interest that is for sale. The act requires the court's notice to state the price each cotenant will pay.

The court must set a deadline, which is no sooner than 60 days after sending notice, for these cotenants to pay their apportioned price to the court. The act applies the following rules after the deadline:

1. If all the electing cotenants pay the appropriate amounts, the court reallocates the cotenants' interests and disburses the money to those entitled to it.

2. If no electing cotenant pays, the court proceeds as if the interests of the cotenants requesting partition by sale were not purchased. This means the court will order either partition in kind or partition by sale (see § 8 below).
3. If at least one electing cotenant fails to pay, the court, on a motion, must notify all those that paid for interests that interests remain outstanding. The court must provide the purchase price for the remaining interests and give the cotenants 20 days to purchase the remaining interests. The court then follows the procedures described below.

Purchasing Additional Interests

When electing cotenants have the option to purchase additional interests as described in the third scenario above, the act applies the following rules:

1. If one cotenant pays for all remaining interests, the court reallocates the interests to that cotenant, promptly orders reallocation of all of the interests, and disburses the amounts paid to those entitled to it.
2. If no cotenant pays for all of the remaining interests, the court must proceed as if the interests of the cotenants requesting partition by sale were not purchased. This means the court will order either partition in kind or partition by sale (see § 8 below).
3. If more than one cotenant pays the entire price for the remaining interests, the court must reapportion the remaining interests among these cotenants according to a formula as shown in the following example. If two cotenants seek to purchase the remaining interest and one originally owned 10% of the property and the other 20% of the property, the former would be able to purchase one-third of the outstanding interest and the latter two-thirds. The court must promptly reallocate interests, disburse money paid, and refund any excess payments.

Non-Appearing Defendants

The act allows a cotenant entitled to buy an interest to ask the court to authorize the sale of the interests of cotenants who (1) were named as defendants, (2) were served the complaint initiating the action, and (3) did not appear. The cotenant must make this request within 45 days of the court sending its initial notice of the partition by sale. The court can deny or authorize such a sale on fair and reasonable terms after holding a hearing. But the sale of these interests cannot occur until all other interests have been purchased and reallocated

as described above. The purchase price is based on the court's prior determination of fair market value or the court's prior approval of the value agreed upon by all the cotenants.

§§ 8 & 9 — PARTITION IN KIND OR PARTITION BY SALE

Court Determination

The act requires the court to order partition in kind (dividing the property physically into separately titled parcels) if it makes certain findings. If the court does not order it, the court must order partition by sale (see § 10) or dismiss the action if no cotenant requests partition by sale.

Court Findings Requiring Partition in Kind

The act requires the court to order partition in kind if:

1. all interests of cotenants that requested partition by sale are not purchased under the provisions described above or a cotenant remains who requested partition in kind and
2. it will not result in manifest prejudice to the cotenants as a group.

The act requires the court to approve requests to combine individual interests when considering whether to order partition in kind.

To determine whether partition in kind causes manifest prejudice, the court must consider:

1. whether the property can be divided practicably;
2. whether partition apportions the property in a way that the aggregate fair market value of the parcels is materially less than the value of the property as a whole under a court-ordered sale;
3. the duration of ownership or possession by a cotenant and his or her predecessors who were relatives of the cotenant or each other;
4. a cotenant's sentimental attachment to the property including its ancestral, unique, or special value to a cotenant;
5. the lawful uses of the property by a cotenant and the harm to a cotenant who can no longer use the property in that way;
6. the degree that cotenants contributed their share of property taxes, insurance, and other ownership expenses or contributed to the property's physical improvement, maintenance, or upkeep; and
7. other relevant factors.

Under the act, no one factor is dispositive and the court must weigh the totality of relevant factors and circumstances.

Ordering Partition in Kind

When ordering partition in kind, the act:

1. allows the court to require some cotenants to pay other cotenants so that payments combined with the value of in-kind distributions make the partition just and proportionate in value to the fractional interests the cotenants held and
2. requires the court to allocate part of the property to cotenants who are unknown, cannot be located, or are the subject of a default judgment. (This must represent their combined interest and the court does not divide this portion of the property.)

§§ 10 & 11 — OPEN-MARKET SALE

If the court orders a sale, the act requires an open-market sale unless it finds a sale by sealed bids or auction is more economically advantageous and in the best interests of the cotenants as a group.

The act allows the parties, within 10 days of the court's order of an open-market sale, to choose a Connecticut-licensed real estate broker to offer the property for sale. The court must appoint a broker chosen by the parties and set a reasonable commission. If the parties do not agree on a broker, the court must appoint a disinterested broker and set a reasonable commission.

The broker must offer the property for sale in a commercially reasonable manner for at least the fair market value previously determined by the court, or the cotenants agreed upon value adopted by the court, and under any terms and conditions set by the court.

If the broker obtains an offer for at least the determined value within a reasonable time, the broker must file a report with the court within seven days of receiving the offer and can complete the sale. The report must:

1. describe the property to be sold to each buyer;
2. name each buyer and the proposed purchase price;
3. state the sale's terms and conditions, including any owner financing terms;
4. state any amounts to be paid to lienholders;
5. describe contractual and other arrangements or conditions of the broker's commission; and
6. provide other relevant material facts.

If the broker does not obtain such an offer, the court can hold a hearing and (1) approve the highest of any outstanding offers, (2) redetermine the property's value and continue to have the property offered for sale, or (3) order the property sold by sealed bids or auction.

The court must set the conditions of any sale by sealed bids or auction, and an auction follows existing law on partitions. (Existing law on partitions does not

explicitly address auctions, although a court ordering the sale of property in a partition action could presumably order an auction.)

If the purchaser is someone entitled to a share of the proceeds, he or she receives a credit against the purchase price for that amount.

§§ 12 & 13 — OTHER PROVISIONS

In applying and construing the act, the act requires consideration of the need to promote uniformity with respect to its subject matter among states that have enacted the uniform provisions.

The act provides that it modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce (E-SIGN) Act. But it does not (1) modify, limit, or supersede E-SIGN's provisions on consumer disclosures (such as when consumers are considered to have consented to electronic disclosures) or (2) authorize electronic delivery of specified notices not subject to E-SIGN.

BACKGROUND

Probate Court Partitions (CGS § 45a-326)

During the settlement of an estate of a deceased person who owned an interest in property that he or she did not specifically address in a will or other binding document, existing law allows the estate executor or administrator or another owner of the major portion of the other interests in the property to apply to the probate court for partition.

Unless a partition petition is signed by all those with interests in the property, the law requires the probate court to provide notice and hold a hearing. The probate court may order partition only if it is in the best interests of the estate and parties. If the court believes that selling the property better promotes the owners' interests or the property cannot be beneficially divided to distribute it, the court may order a sale. Unless all the parties signed the petition, the law prohibits the court from ordering the sale until providing notice and a hearing opportunity and finding that the sale is in the estate's and parties' best interests.

The probate court may appoint a committee of three disinterested people to partition the property. A portion of the property given to the deceased person's estate is treated as if it had been partitioned during his or her lifetime. A trustee must hold the share for any party entitled to it whose name and residence are unknown.

Other Partition or Sale Action (CGS § 52-495 et seq.)

Existing law allows a court to order property partitioned on complaint of an interested person. The court may appoint a committee to partition the property.

When a deceased tenant in common (and others with certain ownership interests) devises his or her interest in the property with a contingent interest (a future transfer of the interest that may or may not occur), the law allows a person to file a complaint with the court to partition the property between those with interests.

On complaint of an interested party, a court may order the sale of property owned by two or more people if it will better promote the interest of the owners. If one or more of the owners have only a minimal interest in the property and a sale would not promote the interest of the owners, the court may order an equitable distribution, with just compensation to the owners with minimal interests, as will better promote the owners' interests.

The court may appoint a committee to make a sale. It must make reasonable orders to protect any share owed to a party whose name or residence is not known.

PA 15-240—sHB 6774

Judiciary Committee

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT

SUMMARY: This act adopts the Uniform Power of Attorney Act and repeals prior law governing powers of attorney (POA), including a statutory form for a POA, a list of powers the principal can grant an agent in different subjects, and provisions terminating a POA when a conservator of the estate is appointed for a principal who can no longer manage his or her affairs. Prior law allowed a principal to grant an agent authority over various subjects such as real estate, stocks and bonds, banking transactions, litigation, and personal relationships.

POAs are documents used by a person (the principal) to designate someone (the agent) to make decisions and act on the principal's behalf. POAs generally name the agent and the powers granted to him or her.

Compared to prior law, the act, among other things:

1. more extensively covers an agent's authority, duties, and liabilities;
2. allows a principal to grant an agent authority over more subjects, with more specific powers for agents described under each subject than under prior law;
3. makes a POA created under its provisions durable, meaning its effectiveness continues after the principal becomes incapacitated, unless the POA expressly states otherwise (§ 4);

4. allows a probate court to continue, limit, suspend, or terminate a POA when appointing a conservator of the estate;
5. authorizes certain people to petition the probate court to review a POA or an agent's conduct;
6. requires people to accept POAs in most circumstances, allows people to request information about them, and limits when people can refuse to accept POAs; and
7. provides sample POA forms to implement the act's provisions, which require people to strike out subjects on the form's list over which they do not want to grant agents any authority (§§ 41 & 42).

The act gives the probate court power to construe POAs, require agents to account to the court about estates under their control, and provide relief (§ 46).

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2016

§§ 3 & 45 — ACT'S APPLICABILITY

The act applies to all POAs except a:

1. POA to the extent it is coupled with an interest in the subject of the power, including a power given to or for a creditor's benefit in a credit transaction;
2. POA to make health care decisions;
3. proxy or other delegation of voting or management rights relating to an entity; or
4. POA created on a government form for a governmental purpose.

It generally applies to (1) POAs regardless of when they were created; (2) judicial proceedings about a POA starting on or after October 1, 2015; and (3) judicial proceedings commenced before that date, unless the court finds that applying one of the act's provisions substantially interferes with the proceeding or prejudices a party's rights. The act does not affect an act by an agent under a POA before October 1, 2015.

§§ 5-7 — VALIDITY OF A POA

Under the act, a POA executed in Connecticut before October 1, 2015 is valid if it complies with legal requirements at the time of its execution. A POA executed on or after that date is valid if the principal or someone he or she directs signs the principal's name and dates the document and two people witness it.

Signatures by someone other than the principal must take place in the principal's conscious presence. A signature is presumed genuine if the principal acknowledges it before a notary, Connecticut-licensed attorney, or another person authorized to take acknowledgements.

The act makes an out-of-state POA valid in Connecticut if, at the time of execution, it complied with the requirements of (1) the jurisdiction where it was created; (2) the jurisdiction indicated in the POA; or (3) federal law, if it is a military POA. Under the act, the law of the jurisdiction where the POA was created or the jurisdiction indicated in the POA determines a POA's meaning and effect.

The act gives a photocopy or electronic copy of the original POA the same effect as the original, unless another statute or the POA provides otherwise.

§§ 8, 48-49, & 53 — CONSERVATORS

The act allows a principal to nominate a conservator of the estate or conservator of the person in a POA. By law, a probate court can appoint a (1) conservator of the estate for someone incapable of managing his or her affairs and (2) conservator of the person for someone incapable of caring for himself or herself.

If the principal is the subject of a protective proceeding after executing the POA, the act requires the court to appoint the person most recently nominated as conservator in a POA unless (1) the person is unwilling or unable to serve or (2) substantial evidence shows he or she should be disqualified.

If a court appoints a conservator of the estate or another fiduciary to manage some or all of the principal's property, the court may continue, limit, suspend, or terminate the POA and must enter a specific order on whether the agent's authority is limited, suspended, or terminated. If the POA continues, the agent is accountable to the fiduciary and principal. The court can continue certain provisions of the POA while excluding others. The act reinstates a suspended POA when the principal regains capacity and the conservatorship ends and allows the court to reinstate an agent's authority if it was limited, suspended, or terminated.

§ 9 — WHEN A POA BECOMES EFFECTIVE

Under the act, a POA is effective when executed, unless the POA specifies otherwise.

The principal may make a POA effective based on a future event or contingency and authorize someone to determine in a record that the event or contingency occurred. If the contingency is the principal's incapacity, and the POA does not designate anyone to determine the principal's incapacity or the authorized person is unable or unwilling to do so, the act requires the determination in a record from:

1. two independent physicians stating that the principal has a mental, emotional, or physical condition that makes him or her unable to

receive and evaluate information or make or communicate decisions or

2. a judge stating that the principal is missing, detained (including incarcerated), or outside the United States and unable to return.

The act authorizes a person chosen to determine incapacity in a POA to act as the principal's personal representative under the federal Health Insurance Portability and Accountability Act (HIPAA) and regulations to access health care information and communicate with health care providers.

The act provides a sample affidavit form if the POA authorizes someone to determine that an event or contingency occurred.

§§ 10 & 11 — TERMINATING A POA OR AN AGENT'S AUTHORITY

POA

Under the act, a POA terminates when the:

1. principal dies;
2. principal becomes incapacitated, if the POA is not durable;
3. principal revokes it;
4. POA states that it terminates;
5. POA's purpose is accomplished;
6. principal revokes the agent's authority, or the agent dies, is incapacitated, or resigns and the POA does not provide for another agent; or
7. court terminates it through conservatorship proceedings.

A principal's execution of a subsequent POA does not revoke a previous one, unless the new one specifies that it does or states that it revokes all previous POAs.

Agent's Authority

Unless the POA provides otherwise, the act allows an agent to exercise his or her authority until the authority terminates, regardless of the amount of time since the POA's execution.

The act terminates an agent's authority when the:

1. principal revokes the authority;
2. court appoints a conservator and chooses to terminate the agent's authority;
3. agent dies, resigns, or becomes incapacitated;
4. agent is the principal's spouse, and an action is filed to dissolve or annul the agent's marriage to the principal or for legal separation (the POA can provide that this provision does not apply); or
5. POA terminates.

Unless the POA provides otherwise, an agent is incapacitated when there is a determination in a record that the agent has a mental, emotional, or physical condition that makes him or her unable to receive and

evaluate information or make or communicate decisions, from (1) a judge in a court proceeding, (2) two independent physicians, or (3) a successor agent if the primary agent refuses to be examined by a physician or fails to execute a release of medical information. A judge can also determine incapacity when an agent is missing, detained (including incarcerated), or outside the United States and unable to return.

Binding Actions After Termination

The principal and his or her successors are bound by an agent's actions after an agent's authority or the POA terminates when the agent or other person does not know of the termination and acts in good faith under the POA. This also applies when a POA that is not durable terminates due to the principal's incapacity. But a principal is not bound by acts that are otherwise invalid or unenforceable.

§§ 11-14 & 18—AGENTS

§ 11 — Coagents

A POA may designate two or more coagents who exercise their authority jointly, unless the POA uses the word "severally" to allow each agent to exercise their powers alone. A person who in good faith accepts an acknowledged POA from a coagent without knowing the (1) POA or the agent's authority is void, invalid, or terminated or (2) agent is exceeding or improperly using his or her authority, can rely on the POA.

§ 11 — Successor Agents

The POA can also designate successor agents to replace an agent who resigns, dies, is incapacitated, is unqualified, or declines to serve. The POA can grant authority to designate successor agents to (1) an agent or (2) a person designated by name, office, or function. Unless the POA provides otherwise, a successor agent has the same authority as the original agent and cannot act until there are no predecessor agents.

§ 12 — Compensation

Unless the POA provides otherwise, an agent is entitled to (1) reimbursement for expenses reasonably incurred on the principal's behalf and (2) reasonable compensation.

§ 13 — Accepting Appointments

Once a POA is delivered, unless the POA provides otherwise, a person accepts an appointment as agent if he or she uses the agent's authority, performs the agent's duties, or takes other actions indicating

acceptance.

§ 14 — Duties

Regardless of the POA's provisions, an agent who accepts an appointment must act:

1. according to the principal's reasonable expectations, making reasonable efforts to determine them if they are unknown, and otherwise in the principal's best interest;
2. in good faith; and
3. within the POA's granted authority.

The act sets additional rules for agents but allows the POA to alter these provisions. Unless the POA provides otherwise, the agent must:

1. act loyally for the principal's benefit;
2. avoid conflicts of interest that impair the agent's ability to act impartially in the principal's best interest;
3. act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances;
4. keep records of receipts, disbursements, and transactions made on the principal's behalf;
5. cooperate with someone who has authority to make the principal's health care decisions to carry out the principal's reasonable expectations if actually known and otherwise act in the principal's best interest; and
6. attempt to preserve the principal's estate plan if the agent actually knows about it and it is consistent with the principal's best interest based on all relevant factors.

For actions regarding the principal's estate, the agent must consider factors including (1) the property's value and nature; (2) the principal's foreseeable obligations and need for maintenance; (3) minimizing taxes; and (4) eligibility for federal or state benefits, programs, or assistance.

§ 14(h) — Disclosing Certain Records

Unless the POA provides otherwise, an agent is not required to disclose receipts, disbursements, or transactions unless ordered by a court or requested by:

1. the principal;
2. a guardian, conservator, or other fiduciary acting for the principal;
3. a representative of the Department of Social Services' (DSS) Division of Protective Services for the Elderly; or
4. the personal representative or successor in interest of the principal's estate after the principal's death.

An agent must (1) comply with a request for these documents within 30 days or (2) explain in a record why

he or she needs additional time and comply within 30 days after providing the record.

§ 18 — Resignation

Unless the POA provides a different method, an agent may resign by notifying the principal. If the principal is incapacitated, the agent must notify:

1. any appointed guardian, conservator of the estate or conservator of the person, and any coagent or successor agent or
2. if none of the above exist, the principal's spouse and children, someone reasonably believed to have sufficient interest in the principal's welfare, or a representative of DSS' Division of Protective Services for the Elderly.

§§ 11, 14-15, & 17 — AGENT LIABILITY

Protections

The act protects an agent from liability under certain circumstances. Specifically, he or she is not liable:

1. to beneficiaries of an estate plan for failing to preserve it if he or she acts in good faith;
2. solely because he or she also benefits from an act or has an interest or conflict about the principal's property or affairs if the agent acts with care, competence, and diligence for the principal's best interest;
3. if the principal's property declines in value, unless the agent breached a duty; and
4. for the acts, errors, or defaults of someone to whom the agent delegates his or her authority or engages on the principal's behalf, if the agent selected and monitored the person using care, competence, and diligence.

Also, the agent is not liable for the actions of another agent under the act, if he or she did not participate in or conceal the other agent's breach of fiduciary duty, unless the POA provides otherwise. An agent with knowledge of a breach or an imminent breach must, unless the POA provides otherwise, notify the principal and take reasonable steps to safeguard an incapacitated principal's interests. An agent who fails to take these actions related to another agent's theft or misappropriation of the principal's property is liable for reasonably foreseeable damages that could have been avoided by taking the required action.

Special Skills

When determining whether an agent acted appropriately under the circumstances, the act requires a person to consider an agent's special skills or expertise

if he or she was selected as agent (1) because of them or (2) in reliance on the agent's representations about them. An agent does not have special skills or expertise solely because he or she is an attorney.

Waiving Liability

The act makes binding a POA provision relieving an agent of liability for breaching a duty, unless it:

1. relates to a breach involving dishonesty, improper motive, or reckless indifference to the POA's purpose or the principal's best interest or
2. was included because of an abuse of a confidential or fiduciary relationship with the principal.

Liability to Principal and Successors

An agent who violates the act is liable to the principal or his or her successors in interest for:

1. an amount required to restore the value of the principal's property to what it would have been if the violation did not occur and
2. reasonable attorney's fees and costs paid on the agent's behalf.

§§ 16 & 47 — PETITIONING THE PROBATE COURT TO REVIEW A POA OR AN AGENT'S CONDUCT

The act authorizes the following people to petition the probate court to construe a POA, review an agent's conduct, or obtain relief such as an accounting:

1. the principal or agent;
2. a guardian, conservator, or other fiduciary acting for the principal;
3. a person authorized to make the principal's health care decisions;
4. the principal's spouse, parent, descendant, or caregiver;
5. an individual who (a) would qualify as the principal's presumptive heir or (b) demonstrates sufficient interest in the principal's welfare, such as a caregiver;
6. a (a) person named as a beneficiary to receive property, a benefit, or a contractual right when the principal dies or (b) trust beneficiary with a financial interest in the principal's estate;
7. a representative of DSS' Division of Protective Services for the Elderly; or
8. a person asked to accept the POA.

The person must apply to the probate court in the district (1) where the agent has a place of business, (2) where the agent or principal resides, (3) where a principal resided immediately before death, or (4) which

has jurisdiction over a deceased principal's estate.

The act requires the probate court to grant the petition if it is filed by the principal, agent, guardian, conservator, or other fiduciary. It may do so for any of the other people listed above if (1) the petitioner has sufficient interest to be entitled to relief, (2) there is cause shown for the relief requested, and (3) the petition is not intended to harass. The court must dismiss a petition on the principal's motion, unless he or she is incapacitated.

§§ 19 & 20 — ACCEPTING A POA

Acknowledged POA

A person who in good faith accepts an acknowledged POA may rely on the act's presumption that the signature on the POA is genuine (see § 5), as long as the person accepting it does not know that the signature is not genuine. Such a person can rely on the POA if he or she does not know that the (1) POA or the agent's authority is void, invalid, or terminated or (2) agent is exceeding or improperly exercising his or her authority.

Requesting Information

Under the act, a person asked to accept an acknowledged POA may request and rely on:

1. an agent's certification under penalty of perjury of any fact concerning the principal, agent, or POA;
2. an English translation of any part of the POA in another language; and
3. a counsel's opinion regarding any legal matter involving the POA if the reason for the request is put in a record.

The principal must pay the expense of a translation or opinion if the request for one is made within seven days of presenting the POA for acceptance.

Actual Knowledge of Facts Relating to the POA

A person or business entity that conducts activities through an employee does not have actual knowledge of a fact involving the POA, principal, or agent if the employee conducting the activity does not know the fact.

Accepting a POA

A person must either accept an acknowledged POA or request information as described above within seven business days after being presented with the POA. If information is requested, the person must accept the POA within five business days after receiving the response.

No one may require an additional or different POA regarding the same authority in a presented POA.

Refusing a POA

The act allows a person to refuse to accept an acknowledged POA if:

1. the principal is not eligible or qualified to engage in the transaction;
2. he or she knows that the agent's authority or the POA terminated;
3. the transaction would violate state or federal law;
4. a request for information as described above was refused;
5. he or she has a good faith belief the POA is invalid or the agent lacks authority regarding a particular act, whether or not the person requests or receives additional information through the above process; or
6. he or she makes or knows someone has made a report to DSS' Bureau of Aging, Community and Social Work Services Division with a good faith belief that the principal is subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or someone connected to the agent.

But a probate court or the Superior Court can require a person who refuses to accept an acknowledged POA in violation of the act to accept it. The court can also award reasonable attorney's fees and costs that the prevailing party incurred in the action.

§§ 24-40 — GRANTING AGENTS POWERS

If the POA expressly grants authority and exercising the authority is not prohibited by another agreement or instrument to which the authority or property is subject, such as a trust, the act allows an agent to do the following:

1. create, change, revoke, or terminate an inter vivos trust (one created and effective during a person's lifetime), but certain trusts for disabled people must only be created according to federal law;
2. make a gift;
3. create or change survivorship rights or a beneficiary designation;
4. delegate authority under the POA;
5. waive the principal's right to be a beneficiary of a joint and survivor annuity;
6. exercise fiduciary powers that the principal can delegate; or
7. disclaim property.

An agent who is not the principal's ancestor, spouse, or descendant may not create an interest in the

principal’s property in the agent or someone the agent is legally obligated to support. But the act allows the POA to specify otherwise.

The act also includes the following provisions:

1. When authorities granted an agent are similar or overlap, the broadest authority controls.
2. An agent can exercise authority over property (a) the principal has when executing the POA or (b) that is acquired later regardless of which state it is in or whether the POA is executed in Connecticut.
3. An agent’s act under a POA binds the principal and his or her successors as if the principal performed the act.

§§ 24-26 — *Incorporating Powers in a POA*

A POA granting an agent authority to do all the acts the principal could do gives the agent the general authority to perform all the functions for the subjects listed below in Table 1. However, a grant of authority regarding gifts is subject to the act, unless the POA provides otherwise.

The act gives an agent all of the authority described above and in Table 1 below if the POA refers to general authority and uses the descriptive terms for the subjects or cites the relevant sections of the act for those subjects. Such a reference regarding a subject or citation incorporates all of the provisions on that subject. The act allows a principal to modify authority incorporated by reference.

The act provides that a POA incorporating the subjects listed in Table 1 by reference or granting an agent authority to do all the acts that the principal could do authorizes the agent, for each subject, to take a number of actions, such as:

1. demand, receive, or use money to which the principal is entitled;
2. enter and change contracts;
3. execute documents;
4. seek court or government assistance;
5. hire and pay professionals such as lawyers and advisors;
6. initiate, participate in, and settle legal claims;
7. communicate with government officials;
8. access and make the principal’s communications; and
9. do other lawful acts.

But the act allows the POA to specify which actions an agent may or may not take.

§§ 27-40 — *Granting Authority by Subject*

The act describes the specific actions an agent can perform when a POA grants an agent general authority over a subject. But the act allows a POA to specify

which actions an agent may or may not take. Table 1 lists each subject covered by the act and provides examples of the authority the act gives to an agent under each subject.

Table 1: Agent’s Powers Authorized by the Act, by Subject

<i>Subject (§)</i>	<i>Examples of Agent’s Specific Authority Regarding the Subject</i>
Real property (§ 27)	Sell and make certain property transfers, apply for government permits, mortgage the property and take other credit-related actions, and use or alter structures
Tangible personal property (§ 28)	Sell and make certain property transfers, grant security interests, and manage the property
Stocks and bonds (§ 29)	Buy and sell stocks and bonds, change accounts related to them, use them to borrow money, and exercise voting rights
Commodities and options (§ 30)	Buy and sell commodities and options and change accounts related to them
Banks and financial institutions (§ 31)	Make changes to accounts or contract for services with these institutions, use safe deposit boxes, borrow money, and use checks or other forms of payment
Operating an entity or business (§ 32)	Subject to a document or agreement governing an entity or ownership interest: operate or make changes to ownership interests, perform duties or discharge liabilities, exercise rights, take certain actions when the principal is the sole owner, add capital to the entity, and take part in certain transactions
Insurance and annuities (§ 33)	Pay premiums and change insurance contracts and annuities, acquire loans based on an insurance or annuity contract, exercise elections and investment powers, determine payments from insurance contracts or annuities, and pay related taxes
Estates, trusts, and other beneficial interests (§ 34)	Accept and dispose of payments from a trust, estate, or beneficial interest; exercise a power of appointment; and transfer securities to the trustee of a revocable trust
Claims and litigation (§ 35)	Assert claims before courts and administrative agencies, seek relief, accept service of process, act for the principal in bankruptcy proceedings, pay judgments, and settle claims
Personal and family maintenance (§ 36)	Act to maintain the customary standard of living and provide living quarters for the principal and certain others, make support payments required by law or agreement, pay health care expenses, and provide for transportation and other needs and expenses
Benefits from government programs and civil or military service (§ 37)	Make changes regarding the principal’s enrollment in benefit programs, make benefit claims, and receive claim proceeds
Retirement plans (§ 38)	Determine how to receive payments from plans, create and contribute to plans, make investments, and make decisions about assets
Taxes (§ 39)	Prepare and file income, gift, payroll, and other taxes; pay taxes and claim refunds; receive confidential information from taxing authorities; and act for the principal in all matters before taxing authorities
Gifts (§ 40)	Make gifts with consideration of certain federal tax consequences and consistent with the principal’s objectives, if known, or as the agent determines are in the principal’s best interest based on certain factors

§§ 21-23, 43-44, & 46 — OTHER PROVISIONS

Under the act:

1. the principles of law and equity generally supplement the act's provisions (§ 21);
2. the act does not supersede other laws on financial institutions and other entities, and the other laws control if they are inconsistent with the act (§ 22); and
3. the act's remedies do not limit other rights and remedies under state law (§ 23).

In applying and construing the act, consideration must be given to the need to promote uniformity with respect to its subject matter among states that enact the uniform provisions (§ 43).

The act provides that it modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (E-SIGN). But it does not (1) modify, limit, or supersede E-SIGN's provisions on consumer disclosures (such as when consumers are considered to have consented to electronic disclosures) or (2) authorize electronic delivery of specified notices that are not subject to E-SIGN (§ 44).

The probate court generally has jurisdiction to construe the meaning and effect of an inter vivos trust if the court could order an accounting. The act limits this jurisdiction to cases where a trust beneficiary petitions the court for this purpose (§ 46).

PA 15-6—sSB 426

Labor and Public Employees Committee

AN ACT CONCERNING EMPLOYEE ONLINE PRIVACY

SUMMARY: This act generally prohibits employers from requesting or requiring an employee or job applicant to (1) provide the employer with a user name, password, or other way to access the employee’s or applicant’s personal online account (see below); (2) authenticate or access such an account in front of the employer; or (3) invite, or accept an invitation from, the employer to join a group affiliated with such an account.

It bars employers from:

1. firing, disciplining, or otherwise retaliating against an employee who (a) refuses to provide this access or (b) files a complaint with a public or private body or court about the employer’s request for access or retaliation for refusing such access or
2. refusing to hire an applicant because the applicant would not provide access to his or her personal online account.

Under the act, a “personal online account” is an online account the employee or applicant uses exclusively for personal purposes unrelated to any of the employer’s business purposes, including e-mail, social media, and retail-based Internet web sites. It does not include any account created, maintained, used, or accessed by an employee or applicant for the employer’s business purposes.

The act provides exceptions for accounts and devices the employer provides and certain types of investigations. Covered employers include the state and its political subdivisions, but the act does not apply to a state or local law enforcement agency conducting a preemployment investigation of law enforcement personnel.

The act allows employees and applicants to file a complaint with the labor commissioner, who can impose civil penalties on employers of up to \$25 for initial violations against job applicants and \$500 for initial violations against employees. Penalties for subsequent violations can be up to \$500 for violations against applicants and up to \$1,000 for violations against employees.

EFFECTIVE DATE: October 1, 2015

EXCEPTIONS

The act specifies several circumstances under which its prohibitions do not apply.

Employer’s Accounts and Devices

The act allows an employer to request or require an employee or applicant to provide access to:

1. any account or service (a) provided by the employer or by virtue of the employee’s work relationship with the employer or (b) that the employee uses for the employer’s business purposes and
2. any electronic communications device the employer supplied or paid for, in whole or in part.

It defines an “electronic communications device” as any electronic device capable of transmitting, accepting, or processing data, including a computer, computer network and computer system, as defined in state law, and a cellular or wireless telephone.

Investigations

The act allows employers conducting certain investigations to require employees or applicants to provide access to a personal online account, but they cannot require disclosure of the user name, password, or other means of accessing the account. (For example, an employee under investigation could be required to privately access an account and then allow the employer to see the account’s contents.)

Employers can require this access when conducting investigations:

1. to ensure compliance with (a) applicable state or federal laws, (b) regulatory requirements, or (c) prohibitions against work-related employee misconduct or
2. into an employee’s or applicant’s unauthorized transfer of the employer’s proprietary information, confidential information, or financial data to or from a personal online account operated by an employee, applicant, or other source.

The investigations must be based on the employer receiving specific information about the employee’s or applicant’s personal online account activity or unauthorized transfer of information.

The act permits an employer to discharge, discipline, or otherwise penalize an employee or applicant who transferred the employer’s proprietary information, confidential information, or financial data to or from the employee’s or applicant’s personal online account without the employer’s permission.

Monitoring and Blocking Data

The act allows an employer, in compliance with state and federal law, to monitor, review, access, or block electronic data (1) stored on an electronic

communications device paid for, in whole or in part, by the employer or (2) traveling through, or stored on, an employer's network.

State and Federal Laws

The act specifies that it does not prevent an employer from complying with state or federal laws, regulations, or rules for self-regulatory organizations (e.g., the Securities and Exchange Commission's rules).

ENFORCEMENT

The act allows employees and applicants to file complaints with the labor commissioner alleging an employer requested or required access to a personal online account or retaliated for a refusal to provide access. The commissioner must investigate each complaint and may hold a hearing, after which she must send each party a written decision. Any employee or applicant who prevails in a hearing must be awarded reasonable attorneys' fees and costs.

If the commissioner finds an employer violated the act's ban on requesting access to an employee's account, or retaliated against an employee for refusing to provide access, she may (1) impose a civil penalty against the employer of up to \$500 for an initial violation and \$1,000 for each subsequent violation and (2) award the employee all appropriate relief, including rehiring or reinstatement, back pay, reestablishment of benefits, or any other relief the commissioner deems appropriate.

If she finds an employer violated the act's ban on requesting access to an applicant's account, or refused to hire an applicant for refusing to provide access, she may impose a civil penalty against the employer of up to \$25 for an initial violation and \$500 for each subsequent violation.

The commissioner can ask the attorney general to bring a civil suit to recover any of the above civil penalties. Any party aggrieved by the commissioner's decision may appeal to Superior Court.

PA 15-31—sSB 985

Labor and Public Employees Committee

AN ACT CONCERNING BARBERSHOPS AND APPRENTICESHIPS

SUMMARY: This act authorizes the Department of Public Health (DPH) to grant a barber license to an applicant who successfully completes a Labor Department-approved apprenticeship program and meets other requirements.

Under prior law, an applicant for a barber's license had to:

1. successfully complete eighth grade;
2. complete a barber course of study of at least 1,000 hours at a school approved by the Connecticut Examining Board for Barbers, Hairdressers, and Cosmeticians or an equivalent out-of-state school; and
3. pass a written examination that satisfies DPH requirements.

Under the act, completing an approved apprenticeship (presumably for barbers) can substitute for the 1,000-hour course of study.

EFFECTIVE DATE: October 1, 2015

BARBER APPRENTICESHIP PROGRAM

The act requires the barber apprenticeship program to conform to existing apprenticeship law, which requires:

1. each apprentice to work at and learn a specific trade under a written agreement with an employer or an employer-employee joint apprenticeship committee;
2. the agreement to be for at least 2,000 hours of work in approved trade training consistent with the industry or joint labor-industry standards, plus supplemental hours of related instruction;
3. the Connecticut State Apprenticeship Council to oversee all apprenticeship programs and issue certificates of completion for those who successfully complete a program; and
4. participating employers and apprentices to annually register with the Labor Department.

Related regulations also require an employer's apprenticeship program to meet numerous requirements (Conn. Agencies Reg. §§ 31-51d-1 to -12).

PA 15-47—SB 988

Labor and Public Employees Committee

AN ACT UPDATING THE OCCUPATIONAL HEALTH CLINICS STATUTES

SUMMARY: This act authorizes the labor commissioner, when awarding grants for occupational health clinics, to give priority to certain organizations providing services for working-age populations, including migrant and contingent workers. She must give priority to these clinics where work structures or workers' health disparities interfere with providing occupational health care services. Under the act, "contingent worker" means a person whose employment is temporary and sporadic and may include agricultural workers, independent contractors, or day or temporary

workers. Under the act, an independent contractor means someone who is not an employee and whose compensation must be reported on an IRS Form 1099.

By law, the commissioner may award grants to occupational health clinics operated by public and nonprofit organizations.

The act also makes (1) minor changes to grant usage and to some definitions under the occupational health clinic law and (2) technical changes.

EFFECTIVE DATE: October 1, 2015

GRANT USAGE

Under the act, health clinic grants may not be used to compensate a clinic for activities that use commercial services or involve grants or contracts received from an outside party. It eliminates a ban on the use of grants to compensate a clinic for activities that could be included in a corporate medicine or employee wellness program, as defined in law.

OCCUPATIONAL HEALTH CLINIC DUTIES

The act adds to clinic duties the provision of public, professional, and clinical outreach and training programs addressing occupational diseases. By law, clinics must already provide diagnosis, treatment, and preventative services for patients with occupational diseases.

OCCUPATIONAL PHYSICIAN

Under prior law, an occupational physician was a Connecticut-licensed medical doctor whom the American Board of Preventive Medicine (ABPM) found qualified to practice occupational medicine. Under the act, the occupational physician must instead be certified or found eligible for certification by the ABPM.

ABPM's website defines "eligible for board certification" as the first seven years after a physician completes an accredited residency training in a preventative medicine specialty area.

OCCUPATIONAL DISEASE

The act specifies that an "occupational disease" means any disease related to, or peculiar to, an occupation. Prior law addressed diseases peculiar to an occupation. The act further specifies that occupational diseases include, but are not limited to, chronic diseases affecting organ systems, including cardiovascular and musculoskeletal systems.

BACKGROUND

Day or Temporary Worker

By law, "day or temporary worker" means someone who performs work for another on (1) a per diem basis, or (2) an occasional or irregular basis for only the time required to complete the work, whether the individual is paid by the person for whom the work is done or by an employment or temporary agency (CGS § 31-57r).

PA 15-56—sSB 428

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT PROTECTING INTERNS FROM WORKPLACE HARASSMENT AND DISCRIMINATION

SUMMARY: This act prohibits an employer from discriminating against or sexually harassing interns, thus giving interns protections similar to those of paid employees.

It defines an "intern" as, among other things, a person working for an employer (1) who the employer does not pay upon mutual agreement of both parties, (2) who the employer is not committed to hiring, and (3) where the internship is designed to supplement training that may enhance the intern's employability. The act defines an "employer" as one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives, or any organized group of persons engaged in business in the state, including the state and its political subdivisions, who provide a position for an intern.

The act makes a violation of its provisions a "discriminatory practice" under state human rights law, which means a person can file a complaint of an alleged violation with the Commission on Human Rights and Opportunities and pursue a civil action in Superior Court.

EFFECTIVE DATE: October 1, 2015

DISCRIMINATION AND RETRIBUTION

The act prohibits discrimination based on an intern's race, color, religious creed, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, or physical disability, including, but not limited to, blindness. The act's prohibition covers hiring, firing, and advertising for internships. The act also notes that the prohibitions do not apply in the case of bona fide occupational qualifications or need. (This

provision reflects existing anti-discrimination law.)

The act also bans an employer from firing or taking other discriminatory steps against an intern for opposing any discriminatory employment practice or filing a complaint or testifying in a proceeding about a discrimination complaint.

SEXUAL HARASSMENT

The act bans sexual harassment of interns and anyone seeking an internship. It defines "sexual harassment" as any unwanted sexual advances or any other conduct of a sexual nature when:

1. submission to the conduct is made a condition of the internship;
2. submission to or rejection of the conduct by an intern or internship applicant is the basis for workplace decisions affecting the intern; or
3. the conduct substantially interferes with an intern's work performance or creates an intimidating, hostile, or offensive working environment.

CONDITIONS OF INTERN WORK SITUATION

In addition to (1) the employer not committing to hiring the intern and (2) both parties agreeing that the intern will not be paid for his or her work, the act specifies other conditions of an intern's working situation. The intern's work must:

1. supplement training given in an educational environment that may enhance the intern's employability,
2. provide experience for the intern's benefit,
3. not displace any of the employer's employees,
4. be performed under the employer's supervision or that of an employee of the employer, and
5. provide no immediate advantage to the employer providing the training and may occasionally impede the employer's operations.

PA 15-64—sHB 6787

*Labor and Public Employees Committee
Government Administration and Elections Committee*

AN ACT CONCERNING THE EXAMINATION PROCESS FOR CERTAIN CLASSES OF POSITIONS IN THE CLASSIFIED SERVICE

SUMMARY: This act allows, under certain conditions, a candidate for a state job to apply his or her most recent score on a promotional exam to the candidate list established for a later exam for the same job classification.

Under the act, the administrative services (DAS) commissioner must allow such test scores to be used when:

1. a job candidate submits a written request to the DAS commissioner on a form the commissioner prescribes,
2. the subsequent exam is in the same or an equivalent form as the previous one,
3. the provision of applying a score to another list is publicized on appropriate exam notices,
4. the candidate satisfies all other classification and exam requirements, and
5. the candidate's most recent exam was within the previous seven years.

Under the act, the commissioner maintains her ability to apply, at her discretion, one exam's candidate list to the candidate list for another exam provided items 2, 3, and 4 (above) are met.

The act's provisions do not apply to promotional exams for classifications in DAS's police-protective series occupational group.

EFFECTIVE DATE: October 1, 2015

PA 15-86—SB 914

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT CONCERNING AN EMPLOYER'S FAILURE TO PAY WAGES

SUMMARY: With one exception, this act requires, rather than allows, a court to award double damages plus court costs and attorney's fees if it finds that an employer failed to (1) pay an employee's wages, accrued fringe benefits, or arbitration award or (2) meet the law's requirements for an employee's minimum wage or overtime rates.

Under the act, the double-damage requirement does not apply to employers who show they had a good-faith belief that their underpayments were legal. Such employers must, however, pay the full amount of the wages (less any amount they already paid) plus court costs and attorney's fees. By law, the labor commissioner can collect unpaid wages and payments or bring a civil suit on the employee's behalf.

EFFECTIVE DATE: October 1, 2015

PA 15-93—sSB 913

*Labor and Public Employees Committee
Planning and Development Committee
Insurance and Real Estate Committee*

**AN ACT CONCERNING THE ENROLLMENT OF
NONSTATE PUBLIC EMPLOYEES IN THE
STATE EMPLOYEE HEALTH PLAN**

SUMMARY: This act requires the comptroller to offer nonstate public employers coverage under the state employee health insurance plan for their employees and retirees. It defines “nonstate public employer” as a municipality or other state political subdivision, including a board of education, quasi-public agency, or public library. A municipality and a board of education may be considered separate employers.

The act requires nonstate employees and retirees to be pooled with the state employee plan as long as their employer’s application is approved under the act’s requirements. Prior law allowed the comptroller to provide insurance to these same people and employers under another state health care plan, known as the partnership plan, but it did not pool them with state employees.

Beginning October 1, 2015, the act closes the partnership plan to new enrollment by nonstate public employers. It does not require any nonstate public employer enrolled in the partnership plan to enroll in the state plan.

If an employer seeks to cover fewer than all of its employees under the state plan, the comptroller must forward the application to the Health Care Cost Containment Committee (HCCCC) to review it for a potential disproportionate shift of an employer’s medical risks. If the committee finds a disproportionate shift, then the comptroller must deny the application. The act outlines the application process and other details related to joining the state plan.

Under the act, premium payments for coverage must be set at the same rate as those for the state employee plan. The act permits the comptroller to charge an administrative fee.

The act requires a nonstate public employer to pay monthly premiums in an amount determined by the comptroller for providing coverage for the group’s employees and retirees. It permits an employer to require a covered employee or retiree to pay part of the coverage cost, subject to any applicable collective bargaining agreement.

Lastly, the act prohibits the comptroller from offering nonstate employees coverage under the state plan until the State Employees’ Bargaining Agent Coalition (SEBAC) consents to incorporate the act’s terms into its collective bargaining agreement and submits this consent to both chambers of the General

Assembly.

EFFECTIVE DATE: October 1, 2015, except for the sections providing definitions and requiring SEBAC consent, which are effective upon passage.

**POOLING NONSTATE PUBLIC EMPLOYEES IN
THE STATE EMPLOYEE HEALTH PLAN**

The act requires the comptroller to offer to any nonstate public employer coverage under the state employee health insurance plan for its nonstate public employees and retirees. Under the act, nonstate public employees include employees and elected officials.

The act requires that such nonstate participants be pooled with the state employee plan as long as the employer application is approved under the act’s requirements. Prior law allowed the comptroller to provide insurance to these same employees and employers under another state plan, known as the partnership plan, but it did not pool them with state employees. The act closes the partnership plan to any new nonstate public employees beginning October 1, 2015. It also specifies that nothing in the act requires any nonstate public employer enrolled in the partnership plan to enroll in the state plan.

Premium payments under the act must be at the same rate as those for the state plan, including state employee contributions, and the employer must make payments to the comptroller. It permits the comptroller to charge a monthly, per-member administrative fee. A nonstate public employer may require each nonstate public employee to contribute a portion of the cost of his or her coverage under the plan, subject to any collective bargaining obligation applicable to such nonstate public employer.

The act specifies that it does not (1) require the comptroller to offer coverage to every nonstate public employer seeking coverage under the state employee plan and (2) prohibit the comptroller from procuring coverage for nonstate public employees from other vendors who are not providing state employee coverage.

Application Process

The act requires the comptroller to create applications for coverage under, and renewal of, the state employee plan. The applications must require a nonstate public employer to disclose whether it will offer any other health care benefits plan to employees offered the state employee plan. Under the act, employees covered by a nonstate public employer with a health plan or insurance arrangement operated through a trust established according to collective bargaining under the federal Labor Management Relations Act cannot enroll in the state plan.

The act allows a nonstate public employer to submit an application for coverage under the state employee plan to the comptroller. If an employer applies for coverage of all of its nonstate public employees, the comptroller must provide coverage by the first day of the third calendar month following such application.

If a nonstate public employer applies for coverage for less than all of its nonstate public employees, or indicates that it will offer other health plans to the employees who are offered the state health plan, the comptroller must forward the application to HCCCC for review within five business days after receiving it. This requirement does not apply if the employer is not covering all employees because (1) some employees have declined coverage on their own or (2) the employer chose not to cover temporary, part-time, or durational employees.

Disproportionate Medical Risks

The act requires HCCCC to examine the applications it receives to determine if the application will shift a significantly disproportionate part of a nonstate public employer's medical risks to the state employee plan. It must make this determination within 30 days after receiving the application.

If HCCCC certifies to the comptroller that the application will shift a significantly disproportionate part of an employer's medical risks to the state employee plan, the comptroller cannot provide that employer coverage. If HCCCC does not certify a disproportionate shift, the comptroller must provide coverage by the first day of the third calendar month following the deadline for receiving the certification.

Collective Bargaining and Other Provisions

The act requires a nonstate public employer's initial and continuing participation in the state employee plan to be a mandatory subject of collective bargaining and subject to binding interest arbitration according to the same procedures and standards that apply to other mandatory subjects of bargaining under the state employee, municipal employee, or teacher bargaining laws.

The act specifies that the state plan is not (1) an unauthorized insurer or (2) a multiple employer welfare arrangement. Any licensed insurer in this state may conduct business with the state employee plan.

Retirees

The act allows any nonstate public employer eligible to enroll its employees in the state employee plan under the act to also apply for coverage of its retirees. Premiums charged for retiree coverage must be

the same as the state's premiums, including any premiums paid by retired state employees. The act otherwise provides the same application process for retirees as for employees, including: (1) prohibiting approval of applications that HCCCC determines will shift a significantly disproportionate part of retiree medical risks to the state plan and (2) the timeframes for an application's approval or rejection.

Plan Renewal and Withdrawal

The act requires the comptroller to offer coverage in the plan for periods of at least three years.

He must also develop procedures for nonstate public employers already in the plan to (1) apply for renewal or (2) withdraw from such coverage. A nonstate public employer may apply for renewal before each interval's expiration.

The procedures must at least address:

1. the terms and conditions allowing a nonstate public employer to withdraw before the expiration date of the current coverage,
2. refunds to employers for premium payments or premium equivalent payments made in excess of incurred claims, and
3. the process of any unionized employees withdrawing from the plan in accordance with relevant state collective bargaining laws.

Monthly Premiums

The act requires a nonstate public employer to pay monthly premiums in an amount determined by the comptroller for providing coverage for the group's employees and retirees. Late payments are subject to interest at the prevailing rate, as determined by the comptroller. The act permits an employer to require a covered employee or retiree to pay part of the coverage cost, subject to any applicable collective bargaining agreement.

If an employer fails to make premium payments, the act authorizes the comptroller to direct the state treasurer, or any state officer who holds state money (i.e., grants, allocations, or appropriations) owed the employer, to withhold payment. The money must be withheld until the (1) employer pays the comptroller the past due premiums plus interest or (2) treasurer or state officer determines that arrangements satisfactory to the treasurer have been made for paying the premiums and interest.

The act prohibits the treasurer or state officer from withholding state money from the group if doing so impedes receipt of any federal grant or aid.

State Employee Plan Premium Account

The act establishes a separate, nonlapsing state employee plan premium account in the General Fund. The comptroller must (1) deposit the premiums collected from nonstate public employers, employees, and retirees into this account and (2) administer the account, with the advice of HCCCC, to pay claims and administrative fees to entities providing coverage or services under the plan.

BACKGROUND

Related Act

PA 15-5, June Special Session, §§ 416 and 417, permits the UConn Board of Trustees to provide health care coverage for UConn graduate assistants and fellows through the partnership plan.

PA 15-127—HB 6871

Labor and Public Employees Committee

AN ACT CONCERNING MINOR AND CLARIFYING CHANGES TO THE SUBSIDIZED TRAINING AND EMPLOYMENT PROGRAM AND OTHER STATUTES AFFECTING THE LABOR DEPARTMENT

SUMMARY: This act makes several changes in two Department of Labor (DOL) programs: the Subsidized Training and Employment Program (STEP) and the Unemployed Armed Forces Member STEP. By law, these programs provide grants to qualifying businesses and manufacturers to help offset the cost of training and compensating eligible new employees and previously unemployed veterans during their first 180 days on the job.

The act:

1. prohibits eligible businesses and manufacturers from receiving grants for new employees hired to replace workers they (a) currently employ or (b) terminated, unless they demonstrate just cause for replacing or terminating the workers;
2. (a) requires DOL to monitor the outside consultants or Workforce Investment Boards (WIB) it retains to run the programs, (b) allows it to pay for the monitoring with the funds set aside for covering the programs' marketing and operations costs, and (c) reduces the amount of funds set aside to cover such costs;

3. allows DOL to use certain funds set aside for the Unemployed Armed Forces Member STEP's administrative costs to cover transportation costs for eligible veterans;
4. renames the STEP "new apprentice" program the "preapprentice program" and expands the eligible employees for which businesses may receive STEP grants; and
5. specifies that the state and its political subdivisions do not qualify for STEP grants.

The act also eliminates obsolete provisions relating to the Fair Wage Board, which PA 13-140 repealed.

EFFECTIVE DATE: October 1, 2015, except for the provisions eliminating obsolete statutes, which are effective upon passage.

USE OF STEP FUNDS ALLOCATED FOR ADMINISTRATIVE COSTS

Prior law allowed DOL to use in FY 13 up to 4% of funds allocated for STEP and the Unemployed Armed Forces Member STEP to cover the programs' marketing and operations costs. The act (1) reduces, from 4% to 1%, the amount of the funds set aside for such purposes; (2) allows DOL to use the funds, at the commissioner's discretion, in any fiscal year; and (3) allows it to use the funds to also cover the cost of monitoring the outside consultants or WIBs it retains to run the programs.

The law establishes, under the STEP programs, separate 4% set-asides the DOL commissioner may use to pay the outside consultants or WIBs running the programs. Under the act, DOL may use the funds set aside under the Unemployed Armed Forces Member STEP program to cover the transportation costs for eligible veterans for whom businesses are receiving a STEP grant.

STEP PREAPPRENTICE PROGRAM

PA 14-38 created a "new apprentice" grant program under STEP to subsidize on-the-job training costs incurred by small businesses and manufacturers that hire high school or college students. The act expands the program to include individuals (1) age 18 or younger and (2) employed under a written agreement with an apprenticeship program sponsor for a training and employment period of up to 2,000 hours or 24 months. It also replaces the term "new apprentice" with "preapprentice."

By law, a preapprentice does not include someone employed (1) in Connecticut by a relative at an eligible small business during the previous 12 months or (2) on a temporary or seasonal basis by a retailer that sells goods primarily used for personal, family, or household purposes.

BACKGROUND

Businesses Qualifying for STEP and Unemployed Armed Forces Member STEP

STEP and the Unemployed Armed Forces Member STEP are open to different types of businesses. STEP is open to small businesses and manufacturers that (1) employed 100 or fewer people during at least half of their working days in the prior 12 months, (2) have operations in Connecticut, (3) have been registered to do business in Connecticut for at least 12 months, and (4) are current on all state and local taxes. The Unemployed Armed Forces Member STEP is open to businesses of any size that meet the other eligibility criteria.

WIBs

The state's five WIBs are responsible for oversight, strategic planning, and policymaking related to workforce development activities provided through local One-Stop CTWorks Career Centers.

PA 15-128—sHB 6873

Labor and Public Employees Committee

AN ACT CONCERNING INJURED VOLUNTEER FIREFIGHTERS AND SICK LEAVE BENEFITS

SUMMARY: This act generally allows state employees who are active volunteer firefighters to use their available paid sick time to supplement the workers' compensation benefits they receive for injuries suffered while performing volunteer firefighter duties on or after January 1, 2014.

By law, municipalities must provide workers' compensation coverage for their volunteer firefighters. Under this coverage, the wage replacement benefits for volunteer firefighters injured performing certain fire duties are based on the state's average production wage, and not the wages the injured firefighter receives through his or her regular employment. Thus, if these volunteers earn wages greater than the state's average production wage, their wage replacement benefits will be less than what they would otherwise be entitled to if they were injured in the course of their regular employment.

The act allows state employees under these circumstances to use their sick leave pay to make up the difference between the wage replacement benefits they are receiving and what they would have received if their benefits had been based on their wages as a state employee. The weekly sum of the sick time benefits and any workers' compensation wage replacement

benefits the employee receives for the injury cannot exceed the weekly wage replacement benefits for which the employee would be eligible if the injury occurred in the course of his or her state employment.

The act requires such an employee, upon his or her appointing authority's (i.e., agency head) request, to provide a written statement from the volunteer fire department's chief stating that the employee was injured during a fire call and specifying the date, time, and nature of the injury. It also specifies that the (1) employee's collection of sick time cannot affect his or her seniority or pension benefit accrual and (2) act does not preempt or override the terms of any collective bargaining agreement in effect before July 1, 2015.

EFFECTIVE DATE: July 1, 2015

PA 15-158—HB 6707

Labor and Public Employees Committee

AN ACT CONCERNING THE LOSS OF AN OPERATOR LICENSE DUE TO A DRUG OR ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT BENEFITS

SUMMARY: This act expands the circumstances in which a private-sector employer can discharge or suspend an employee without affecting the employer's unemployment taxes. It creates a "non-charge" against an employer's experience rate for employees discharged or suspended because they failed a drug or alcohol test while off duty and subsequently lost a driver's license needed to perform the work for which they were hired. (The law disqualifies a person from operating a commercial motor vehicle for one year if he or she is convicted of driving under the influence (DUI).) In effect, this allows the discharged or suspended employee to collect unemployment benefits without increasing the employer's unemployment taxes.

The act also makes minor and technical changes.
EFFECTIVE DATE: October 1, 2015

UNEMPLOYMENT EXPERIENCE RATES AND NON-CHARGES

In general, a portion of a private-sector employer's unemployment insurance taxes is based on the employer's "experience rate," which reflects the amount of unemployment benefits paid to former employees. Typically, laying off employees leads to a higher experience rate and higher unemployment taxes for the employer. The law, however, allows several non-charging separations in which an employee can collect benefits that are not charged against a former employer's experience rate (e.g., voluntarily leaving work to care for a seriously ill spouse, parent, or child), and thus do

not increase the employer's unemployment taxes.

The act expands the non-charging separations to include instances when an employee is laid off or suspended because he or she lost his or her driver's license after failing a drug or alcohol testing program conducted under state DUI laws while off duty, and as a result, is disqualified from performing the work for which he or she had been hired. In these instances, as with all non-charges, the cost of the benefits paid to the former employee is shared by all employers who pay unemployment taxes.

PA 15-188—SB 989 (VETOED)

*Labor and Public Employees Committee
Planning and Development Committee*

AN ACT CONCERNING REEMPLOYMENT AND THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

SUMMARY: By law, a former municipal employee collecting retirement benefits from the Connecticut Municipal Employees' Retirement System (CMERS) must stop collecting benefits if he or she returns to work for his or her former municipal employer, or any other municipality that participates in CMERS, for at least 20 hours per week or more than 90 days per year. This act allows such an employee to continue to collect CMERS benefits as long as he or she does not participate in CMERS during the reemployment.

CMERS is a state-administered pension system for municipal employees that municipalities can opt into by agreeing to meet specified financial requirements. Participating municipalities are not required to enroll all of their employees and can allow some of their employees or unions to participate while others do not.

EFFECTIVE DATE: October 1, 2015

PA 15-196—HB 6850

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT CONCERNING PAY EQUITY AND FAIRNESS

SUMMARY: This act prohibits employers, including the state and municipalities, from taking certain steps to limit their employees' ability to share information about their wages. Under the act, such sharing involves employees of the same employer (i.e., co-workers) (1) disclosing or discussing the amount of their own wages or another co-worker's voluntarily disclosed wages or (2) asking about a co-worker's wages. Specifically, the act bans employers from (1) prohibiting their employees

from such sharing; (2) requiring employees to sign a waiver or document that denies their right to such sharing; and (3) discharging, disciplining, discriminating or retaliating against, or otherwise penalizing employees for such sharing. It specifies that it does not require an employer or employee to disclose any employee's wages.

The act allows employees to bring a lawsuit to redress a violation of its provisions in any court of competent jurisdiction. Employees have two years after an alleged violation to bring the suit. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

EFFECTIVE DATE: July 1, 2015

EMPLOYERS AND WAGES

Under the act, an employer is any individual, corporation, limited liability company, firm, partnership, voluntary association, joint stock association, the state and any of its political subdivisions, and any public corporation in the state with at least one paid employee. Wages are compensation for an employee's labor or services, regardless of whether they are determined by time, task, piece, commission, or other basis of calculation.

PA 15-249—SB 446

Labor and Public Employees Committee

AN ACT CONCERNING DOMESTIC SERVICE AND THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

SUMMARY: This act brings domestic workers who work for employers with at least three employees under the employment-related anti-discrimination laws administered by the Commission on Human Rights and Opportunities (CHRO). Among other things, it provides them with:

1. protections against employment-related discrimination based on their race, color, religion, age, sex, gender identity, sexual orientation, marital status, national origin, ancestry, or mental or physical disability;
2. certain pregnancy-related protections, including a right to a reasonable leave of absence for a disability resulting from a pregnancy; and
3. protections against sexual harassment.

By law, employees covered under the CHRO statutes can enforce their rights by filing a complaint with the commission.

The act also makes various procedural changes affecting discrimination complaints filed with CHRO. For example, it:

1. shortens certain time frames for CHRO's processing of complaints;
2. allows the respondent (i.e., the alleged wrongdoer) to elect to participate in pre-answer conciliation;
3. prohibits the same person from being assigned to conduct the mandatory mediation conference and investigate the complaint;
4. transfers certain responsibilities from the CHRO executive director to the CHRO legal counsel; and
5. makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2015, except for the provisions on domestic workers, which are effective January 1, 2016.

DISCRIMINATION COMPLAINT PROCESS

The act makes the following changes in CHRO's discriminatory practice complaint process.

§ 2(a) and (b) — Procedure After Complaint is Filed; Pre-Answer Conciliation

The act decreases, from 20 to 15 days after a discriminatory practice complaint is filed, the time CHRO has to provide the respondent with a (1) copy of the complaint and (2) notice advising the respondent of his or her procedural rights and obligations.

Under prior law, the respondent generally had to file an answer within 30 days after receiving the complaint, unless CHRO granted a 15-day extension for good cause. Except for housing discrimination cases, the act also allows a respondent, instead of filing an answer, to elect to participate in pre-answer conciliation. To do so, the respondent must notify the complainant and CHRO in writing, within 10 days after receiving the complaint. CHRO must conduct a pre-answer conciliation conference within 30 days after receiving the respondent's request. If CHRO determines that the conference was unsuccessful, the respondent then must file an answer within 30 days after the determination, unless CHRO grants a 15-day extension.

The act requires respondents to file answers to amended complaints within 20 days after receiving the amendment. As under prior law, the act requires answers to complaints alleging housing discrimination to be filed within 10 days.

Under the act, a complaint sent by first class mail is considered to be received not later than two days after it was mailed, unless the respondent proves otherwise.

§ 2(c) — Case Assessment Review

The act decreases, from 90 to 60 days after the respondent files his or her answer, the time for CHRO's executive director or her designee to review the case file. It renames this review as the "case assessment review" rather than merit assessment review.

Under prior law, if a complaint was dismissed after this review, the complainant had 15 days to request a release from CHRO jurisdiction, allowing the complainant to bring a lawsuit. If the complainant did not request this release, the CHRO legal counsel had to conduct a legal review of the complaint to determine whether to reinstate it. The act instead requires CHRO to issue a release of jurisdiction for a complaint dismissed after the case assessment review, rather than only upon request.

As under existing law, these provisions do not apply to housing discrimination complaints.

§ 2(d) — Mandatory Mediation Conference

Under prior law, if the complaint was not dismissed after the case or legal review, there was a mandatory mediation conference. The act:

1. allows, but does not require, mediation if CHRO has held a pre-answer conciliation conference;
2. prohibits the investigator or legal counsel assigned to conduct the mediation from being assigned to investigate the complaint; and
3. eliminates the option for the mediation conference to be scheduled to coincide with the investigator's fact-finding conference.

§ 2(e) — Early Legal Intervention

By law, either party or CHRO may request early legal intervention for complaints that are not resolved after the mandatory mediation conference. If so, the act requires the CHRO legal counsel, rather than the executive director or her designee, to determine whether the complaint should proceed or be released from CHRO jurisdiction. The act makes several conforming changes. It also specifies that the provisions on early legal intervention do not apply to housing discrimination complaints.

§ 2(f) — Assigning Investigator for Fact-Finding

By law, if the complaint is (1) not resolved after the mediation conference or (2) slated for investigation after early legal intervention, the executive director or her designee must assign an investigator to process the complaint through various means of fact-finding. The act requires this assignment to be made no later than 15 days after either of these occur, rather than 15 days after

the mediation conference only.

§ 2(h) — Request for Reconsideration

The act gives the CHRO legal counsel, rather than the executive director or her designee, the authority to grant or reject a complainant's request for reconsideration if (1) there was a finding of no reasonable cause that discrimination occurred or (2) the complaint was dismissed for other specified reasons.

§ 2(l) — Request to Vacate a Default

The act allows respondents to apply to the executive director to vacate a default. If she decides not to vacate the default, she, or her designee, must follow the procedure under existing law that applies after an order of default. Thus, the director or designee must appoint a presiding officer to enter an order, after notice and hearing, eliminating the discriminatory practice and making the complainant whole.

BACKGROUND

Related Act

PA 15-5, June Special Session, §§ 66-87, makes numerous changes to the CHRO statutes, including certain technical changes to conform to this act.

PA 15-33—SB 458

Planning and Development Committee

AN ACT CONCERNING THE MATURITY DATE FOR MUNICIPAL BONDS ISSUED IN CONJUNCTION WITH CERTAIN LOANS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE

SUMMARY: This act extends, from 20 years to 40 years, the maximum term of municipal bonds issued in connection with a community facility loan from the U.S. Department of Agriculture (USDA). Existing law allows municipalities to issue 40-year bonds for municipal waterworks or sewer system bonds issued in connection with USDA loans.

The law limits municipal bond terms to 20 years unless the general statutes or a special act expressly allows another term (e.g., 30 years for municipal pension deficit funding bonds and school construction projects).

EFFECTIVE DATE: Upon passage

BACKGROUND

USDA Community Facilities Direct Loans & Grant Program

The USDA’s Community Facilities Direct Loan & Grant Program provides low-interest loans, grants, or both to develop essential community facilities in rural areas and towns (i.e., those with populations of 20,000 or less). Recipients can use the funds to construct, expand, or improve essential community facilities (e.g., medical or dental clinics, town halls, fire departments, libraries, and food pantries); purchase equipment; and pay related project expenses.

PA 15-57—sSB 677

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT ESTABLISHING TAX INCREMENT FINANCING DISTRICTS

SUMMARY: This act allows municipalities, through their legislative bodies, to establish a tax increment district (generally known as a tax increment financing (TIF) district) to finance economic development projects in eligible areas. It allows a municipality to finance projects in the district by (1) designating all or part of the new or incremental real property tax revenue generated in the district for repayment of costs incurred to fund the projects, (2) imposing assessments on real property in the district benefiting from certain public

improvements (i.e., benefit assessments), and (3) issuing bonds backed by these revenue streams to pay project costs.

The act imposes certain criteria for designating a TIF district. Under the act, a district must encompass property that is (1) blighted; (2) in need of rehabilitation or conservation; or (3) suitable for certain types of development, including downtown or transit-oriented development. The act limits the (1) taxable value of the districts a municipality may create to no more than 10% of the total value of its taxable property and (2) district’s duration to a maximum of 50 fiscal years.

The act specifies a process for establishing a TIF district that, among other things, requires a municipality to (1) consider the proposed district’s contribution to the municipality and its residents, (2) determine whether the district conforms to its plan of conservation and development, and (3) hold at least one public hearing on the proposal.

It requires a municipality’s legislative body to adopt a master plan for the TIF district and prescribes the plan’s components, including a financial plan that defines the costs and revenue sources required to accomplish the master plan.

To carry out a district master plan, the act allows municipalities to issue bonds with up to 30-year terms backed by various sources, including (1) their full faith and credit (i.e., general obligation (GO) bonds); (2) the income, proceeds, revenues, and property within the district; and (3) tax increment revenues and benefit assessments.

Existing law allows municipalities to use TIF to finance economic development projects, but under narrower conditions than those the act establishes. Among other things, existing law generally (1) limits the type of projects eligible for TIF, (2) restricts the use of incremental tax revenue to repaying outstanding TIF bonds, and (3) requires multiple entities to approve the use of TIF (see BACKGROUND).

EFFECTIVE DATE: October 1, 2015

§§ 1-3 & 9 — ESTABLISHING AND DISSOLVING DISTRICTS

Legislative Body

The act allows a municipality’s legislative body to establish a tax increment district within the municipality’s boundaries in accordance with the act’s requirements. The district is effective when the legislative body approves it and adopts a district master plan, as described below. If the municipality operates under a charter, the act specifies that the district may not conflict with the charter.

Advisory Board

The act encourages the legislative body to create a board to advise it and other designated entities on (1) planning, constructing, and implementing the district master plan and (2) maintaining and operating the district after the plan's completion. The advisory board's members must include people who own or occupy real property in or adjacent to the district.

Conditions for Approval

The act requires municipalities to take certain steps prior to establishing a district and approving a district master plan.

Planning Commission. At least 90 days prior to approving the district and plan, the municipality must transmit the plan to its planning commission, if it has one. The commission must study the plan and issue a written advisory opinion, including a determination as to whether the plan is consistent with the municipality's plan of conservation and development.

Public Hearing. The municipality must hold at least one public hearing on the proposed district. It must publish notice of the hearing at least 10 days in advance in a newspaper with general circulation in the municipality and include (1) the hearing's date, time, and place and (2) a legal description of the proposed district's boundaries.

Approval Criteria. The municipality must determine whether the proposed district meets certain criteria. Its legislative body (or board of selectmen if the legislative body is a town meeting) must consider whether the proposed district and district master plan will contribute to the municipality's economic growth or well-being or improve its residents' health, welfare, or safety.

In addition, the original assessed value of the proposed district (i.e., the value of all taxable real property in the district as of the prior October 1), plus the original assessed value of all of the municipality's existing TIF districts, cannot exceed 10% of the total value of taxable property in the municipality as of the October 1 immediately preceding the district's establishment. This calculation does not include any TIF districts established after October 1, 2015 consisting entirely of "contiguous property" owned by a single taxpayer. Under the act, contiguous property includes parcels divided by a road, power line, railroad line, or right-of-way. The municipality may not establish a district if this criterion is not met.

Lastly, the municipality's legislative body must determine whether a portion of the district's property is (1) substandard, insanitary, deteriorated, deteriorating, or blighted; (2) in need of rehabilitation, redevelopment, or conservation; or (3) suitable for industrial,

commercial, residential, mixed-use, retail, downtown, or transit-oriented development.

The act defines "downtown" as a community's central business district or other commercial neighborhood area that serves as a center of socioeconomic interaction, characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious, and residential buildings and public spaces, typically served by public infrastructure, and arranged along a main street and intersecting side streets.

It defines "transit-oriented development" as the development of residential, commercial, and employment centers within one-half mile or walking distance of a transit facility, including rail and bus rapid transit and services that meet transit supportive standards for land uses, built environment densities, and walkable environments in order to facilitate and encourage the use of such services. It defines a transit facility as a place providing access to transit services, including bus stops and stations, highway interchanges used by more than one transit provider, ferry landings, train stations, shuttle terminals, and bus rapid transit stops.

Dissolving the District or Changing Its Boundaries

Under the act, a municipality's legislative body may vote to dissolve a district or change its boundaries at any time, as long as the district does not have any outstanding bonds, other than municipal GO bonds.

§ 2 — DISTRICT POWERS

Development

The act authorizes a municipality, within a district and consistent with its district master plan, to:

1. acquire, construct, reconstruct, improve, preserve, alter, extend, operate, and maintain property or promote development to meet the plan's objectives (in doing so, it may acquire property, land, and easements through negotiation or by other legal means);
2. execute and deliver contracts, agreements, and other documents related to the district's operation and maintenance;
3. issue bonds and other obligations in accordance with the act;
4. enter into fixed assessment agreements for real property in the district, subject to the restrictions described below;
5. accept grants, advances, loans, or other financial assistance from public or private sources and do anything necessary or desirable to secure such aid; and

6. according to terms it establishes, (a) provide services, facilities, or property; (b) lend, grant, or contribute funds; and (c) take any other action it is authorized to perform for other municipal purposes.

These powers are in addition to those the municipality has under the Constitution, the statutes, special acts, or the act's other provisions.

Fixing Assessments in the District

The act allows a municipality, through its board of selectmen, town council, or other governing body, to enter into written agreements with a taxpayer to fix the assessment of real property in the district for up to 15 years. The property's fixed assessment, plus the value of any future improvements, cannot be less than its assessment as of the last regular assessment date without the future improvements.

The act requires any fixed assessment agreements to be recorded on the municipality's land records. Any such recording (1) constitutes notice to the property's subsequent purchasers or encumbrancers, whether they acquire the property voluntarily or involuntarily, and (2) is binding.

A municipality may bring an action in the Superior Court for the judicial district in which it is located to force a taxpayer to comply with the agreement's terms.

§ 4 — DISTRICT MASTER PLAN

Requirement

The act requires a municipality's legislative body to adopt a (1) "district master plan" for the district and (2) statement of the percentage or amount of "increased assessed value" that will be designated as "captured assessed value" under the plan, as described below. It must adopt the plan at the same time it adopts the district, pursuant to the act's procedures.

Purpose

Under the act, the "district master plan" is a statement of means and objectives relating to a district designed to (1) provide new employment opportunities, (2) retain existing employment, (3) provide housing opportunities, (4) improve or broaden the tax base, or (5) construct or improve physical facilities and structures. It achieves these means and objectives through industrial, commercial, residential, retail, or mixed-use development; transit-oriented development; downtown development; or any combination of these.

Components

The district master plan must include:

1. a legal description of the district's boundaries;
2. the tax identification numbers for its lots or parcels;
3. the present condition and uses of its land and buildings;
4. the public facilities, improvements, or programs anticipated to be financed in whole or part;
5. the (a) industrial, commercial, residential, mixed-use, or retail improvements and (b) downtown or transit-oriented development anticipated to be financed in whole or part;
6. a plan for maintaining and operating the district after its planned capital improvements are completed;
7. the district's maximum duration, which cannot exceed 50 fiscal years, beginning with the year in which the district is established; and
8. a financial plan, as described below.

Financial Plan Component

The act requires the district master plan to include a financial plan that identifies the project costs and revenue sources required to accomplish the district master plan. The plan must contain:

1. cost estimates for the anticipated public improvements and developments;
2. the maximum amount of indebtedness to be incurred to implement the plan;
3. the anticipated revenue sources;
4. a description of the terms and conditions of any agreements, including any anticipated assessment agreements, contracts, or other obligations related to the plan;
5. estimates of the district's increased assessed values; and
6. for each year, the (a) portion of the increased assessed values that will be applied to the plan as captured assessed values and (b) resulting tax increments.

Amending and Reviewing the Plan

The act (1) authorizes the municipality's legislative body to amend the plan and (2) requires it to review the plan at least once every 10 years after its initial approval in order for the district and plan to remain in effect. The act specifies that these provisions do not apply to plans that include development funded in whole or part by federal funds, if prohibited by federal law.

§ 5 — TAX INCREMENT REVENUES

In addition to imposing benefit assessments to finance projects, the act allows a municipality to finance them using the new or incremental real property tax revenue generated in the district. It also allows the municipality to use these revenue streams to repay the bonds issued to finance the projects, as described below.

Captured Assessed Value

The act allows a municipality to designate all or part of the district's new or incremental real property tax revenue ("tax increment") to finance all or part of the district's master plan. Under the act, the amount of tax increment revenue designated by the municipality is determined by the district's "captured assessed value," that is, the percentage or amount of the incremental increase in property values ("increased assessed value") that is used from year to year to finance the plan's project costs. The incremental increase in property values is the amount by which the value of the district's property as of October 1 of each year ("current assessed value") exceeds its original assessed value. The captured assessed value is subject to any fixed assessment agreements.

Upon the municipality establishing the district and adopting its master plan, its assessor must certify the original assessed value of the taxable real property within the district's boundaries. The assessor must also annually certify the:

1. current assessed value of the district's taxable real property,
2. amount by which the current assessed value has increased or decreased from the original assessed value, and
3. amount of the captured assessed value.

Apportioning Property Taxes in the Municipality

The act requires that property taxes paid by property owners within the district be apportioned equally with the property taxes paid by other property owners in the municipality located outside the district. It specifies that its provisions do not authorize the unequal apportionment or assessment of taxes on real property in the municipality.

§ 5 — DISTRICT MASTER PLAN FUND

Municipalities that have designated a percentage or amount of captured assessed value in their district master plans must establish a fund for depositing the resulting incremental tax revenues and paying project costs. They must also deposit in the fund any benefit assessments imposed on real property in the district, as described below.

Account Structure

The fund must consist of a (1) project cost account and (2) development sinking fund account for any bonds issued to carry out or administer the district master plan. The act authorizes the municipality to transfer funds between the accounts, as long as the transfers do not result in a balance in either account that is insufficient to cover its annual obligations.

Project Cost Account. The project cost account is pledged to and charged with paying project costs outlined in the financial plan, including reimbursing project cost expenditures incurred by a public body (e.g., the municipality, a developer, property owner, or other third-party entity), other than reimbursements paid with bond proceeds.

Development Sinking Fund Account. The development sinking fund account is pledged to and charged with (1) paying interest and principal on district bonds as they come due, including any redemption premium; (2) paying the costs of providing or reimbursing any entity that provides a guarantee, letter of credit, bond insurance policy, or other credit enhancement device used to secure debt service payments on district bonds; and (3) funding any required reserve fund.

Depositing Tax Increment Revenues

The municipality must annually set aside all tax increment revenues on captured assessed values and deposit the revenues in a specific order. The revenues must first go to the development sinking fund account, in an amount necessary to pay the annual debt service on the bonds issued (taking into account estimated future revenues that will be deposited to the account and earnings on such amount), excluding any GO bonds issued by the municipality that are backed solely by its full faith and credit. Any remaining revenues must go to the project cost account.

Excess Revenues

At any time during the district's term, the municipality's legislative body may vote to return to the municipality's general fund any tax increment revenues remaining in either account that exceed the amount necessary to pay the account's obligations. In doing so, it must take into account any transfers made between the accounts.

Audit Requirement

The act requires the district master plan fund and its accounts to be audited annually by an independent auditor according to generally accepted accounting principles. The audit report must be (1) open to public

inspection and (2) provided to the Auditors of Public Accounts.

§ 6 — ELIGIBLE COSTS

The act limits the use of a district master plan fund to paying certain costs for (1) improvements made within the district; (2) improvements made outside the district that are directly related to or necessary for the district’s establishment or operation; and (3) economic development, environmental improvements, and employment training associated with the district.

Improvements Made in the District

The act allows the fund to pay the following costs for improvements made within the district:

1. capital costs, as described below;
2. financing costs, including closing and issuance costs, reserve funds, and capitalized interest;
3. real property assembly costs;
4. technical and marketing assistance program costs;
5. professional service costs, including licensing, architectural, planning, engineering, development, and legal expenses;
6. maintenance and operation costs (i.e., the cost of the activities necessary to maintain and operate facilities after their development, including informational, promotional, and education programs, as well as safety and surveillance activities);
7. administrative costs, including reasonable charges for the time municipal employees, other agencies, or third-party entities spend implementing a district master plan; and
8. organizational costs related to the district’s planning and establishment, including the cost of conducting environmental impact studies, informing the public about the district, and implementing the district master plan.

Under the act, capital costs include the cost of:

1. acquiring or constructing land, improvements, infrastructure, public ways, parks, buildings, structures, railings, street furniture, signs, landscaping, plantings, benches, trash receptacles, curbs, sidewalks, turnouts, recreational facilities, structured parking, transportation improvements, pedestrian improvements, and other related improvements, fixtures, and equipment for public use;
2. acquiring or constructing land, improvements, infrastructure, buildings, and structures, such as facades, signage, fixtures, and equipment for industrial, commercial, residential, mixed-use,

- retail, or transit-oriented development;
3. demolishing, altering, remodeling, repairing, or reconstructing existing buildings, structures, and fixtures;
4. remediating environmental contamination;
5. preparing a site and finishing work; and
6. incurring associated fees and expenses, such as licensing, permitting, planning, engineering, architectural, testing, legal, and accounting expenses.

Improvements Made Outside the District

For improvements made outside the district that are directly related to or necessary for establishing or operating the district, the fund may pay the:

1. portion of the costs reasonably related to constructing, altering, or expanding facilities required due to improvements or activities within the district, including roadways, traffic signals, easements, sewage or water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, electrical lines, fire station improvement, and street signs;
2. costs of public safety and public school improvements made necessary by the district’s establishment; and
3. costs of mitigating any of the district’s adverse impacts on the municipality and its constituents.

Other Development-Related Costs

The act also allows the fund to pay costs related to economic development, environmental improvements, or employment training associated with the district. This includes (1) economic development programs or events; (2) environmental improvement projects; (3) permanent economic development revolving loan funds, investment funds, and grants; and (4) services and equipment necessary for employment skills development and training, including scholarships to in-state educational institutions for jobs created or retained in the district.

§ 7 — BENEFIT ASSESSMENTS

Funding Mechanism

Under the act, a municipality that constructs, improves, extends, equips, rehabilitates, repairs, acquires, or provides a grant for public improvements may assess a proportion of the improvement costs as a benefit assessment on such real property. It may, by ordinance, apportion the value of such improvements according to a formula that reflects the actual benefits

accruing to the various properties because of the development and maintenance.

The municipality may (1) require property owners to pay the benefit assessments in annual installments for up to 30 years and (2) forgive the benefit assessments in any given year without affecting future installments. The municipality may assess buildings or structures constructed or expanded in the district after the initial benefit assessment is imposed as if they had existed at the time of the original benefit assessment.

Revising and Adopting the Assessments

The municipality must revise and adopt the assessments at least once a year within 60 days before the start of the fiscal year. If the municipality imposes the benefit assessments before acquiring or constructing the public improvements, it may subsequently adjust the assessments once the improvements are complete to reflect their actual cost.

Public Hearing and Notice Requirement

Requirement. Prior to estimating and imposing a benefit assessment, the municipality must hold at least one public hearing on the payment schedule or any revisions to it. It must publish a notice of the hearing at least 10 days in advance in a newspaper with general circulation in the municipality.

The notice must include:

1. the hearing's date, time, and place;
2. a legal description of the district's boundaries;
3. a statement that all interested property owners in the district will be given an opportunity to (a) be heard at the hearing and (b) file objections to the assessment amount;
4. the maximum assessment to be extended in any one year; and
5. a statement indicating that the proposed list of properties to be assessed and the estimated assessments against those properties are available at the town or assessor's office.

The notices may also include the maximum number of years that the assessments will be levied. The municipality must make the proposed benefit assessment schedule available to any member of the public, upon request, by the notice's publication date.

Process. The act applies the same statutory public hearing and appeal procedures to district benefit assessments as apply under existing law to municipal sewer system benefit assessments levied by water pollution control authorities (CGS § 7-250). The act substitutes the municipality's board of finance (or legislative body if it has no board of finance) for the water pollution control authority for purposes of this process. The municipality must also follow this process

when increasing benefit assessments or extending the number of years that they will be levied.

Under that process, the municipality's board of finance must hold a public hearing on proposed benefit assessments and provide notice of the time, place, and purpose of the hearing at least 10 days in advance. The notice and a copy of the assessments must be (1) published in a newspaper with general circulation in the municipality and (2) mailed to the last known address of the affected property owners. The board must file a copy of all proposed assessments with the municipal clerk at least 10 days before the hearing.

Once the board has determined the actual amount of the assessment, it must file a copy of the assessment with the municipal clerk and, within five days after such filing, (1) publish a copy of it in a newspaper with general circulation in the municipality and (2) mail a copy of it to the last known address of the affected property owners.

The mailings and publications must state the date on which they were filed with the town clerk and that all appeals must be taken within 21 days of that date. People aggrieved by a benefit assessment may appeal to the (1) Superior Court for the judicial district in which the property is located or (2) board of assessment appeals, if the municipality has adopted an ordinance authorizing the board to hear such appeals.

A court appeal (1) must have a return date that is between 12 and 30 days after the appeal is served and (2) is privileged in respect to its assignment for trial. The court may appoint a state referee to appraise the benefits to the property and report to the court. The court's judgment, confirming or altering the assessment, is final. The owner's appeal does not stay proceedings for collecting the assessment but the appellant must be reimbursed for any overpayments made if his or her assessment is reduced as a result of the appeal.

Collection and Enforcement

The municipality has the same powers to collect and enforce the benefit assessments as it does for municipal taxes. It must establish the payment due date and provide notice of the due date at least 30 days in advance by (1) publishing it in a newspaper with general circulation in the municipality and (2) mailing it to the last known address of the affected property owners. Assessment revenues must be paid into the appropriate district master plan fund account.

Unpaid benefit assessments are liens against the property. Property owners must pay the same interest rate on delinquent assessments as on delinquent property taxes (1.5% per month or 18% per year). The liens (1) may be continued, recorded, and released in the same manner as property tax liens; (2) take precedence over all other liens and encumbrances, except those for

municipal property taxes; and (3) may be enforced in the same way as property tax liens.

§ 8 — BONDS

To carry out or administer a district master plan or other functions under the act's provisions, municipalities may issue bonds and other obligations (e.g., refunding bonds, notes, interim certificates, and debentures) backed by:

1. their full faith and credit (i.e., GO bonds);
2. the income, proceeds, revenues, and property within the district, including grants, loans, advances, or contributions from state, federal, or other sources;
3. tax increment revenues and benefit assessments; or
4. any combination of these sources.

Under the act, only the municipality's GO bonds count towards its bond cap.

The act requires municipalities to authorize any such bonds, without the state's consent, by resolution of its legislative body, regardless of any other statute, municipal ordinance, or charter provision governing municipal bond issuances. The municipality's legislative body, or the municipal officers to which the legislative body delegates authority for issuing the bonds, must determine:

1. how the bonds will be issued and sold;
2. their interest rates, including variable rates;
3. the term over which they will mature, which must be no more than 30 years;
4. when interest will be paid;
5. whether and under what terms bonds may be purchased or redeemed; and
6. all other issuing conditions.

It allows the municipality to secure the bonds by executing a trust agreement with a bank or trust company that contains reasonable provisions for protecting and enforcing bondholders' rights. Any pledge the municipality makes concerning such agreement is (1) valid and binding from the time it is made; (2) immediately subject to a lien without physical delivery of the money; and (3) valid and binding against all parties with claims against the municipality, regardless of whether the parties received specific notice of the lien. It specifies that any expenses the municipality incurs in carrying out the trust agreement may be treated as project costs.

The act also provides that (1) any pledge the municipality makes concerning the bonds is binding from the time it is made and (2) the revenue received is immediately subject to the pledge's lien without physical delivery of the money.

The act assures bondholders that state and local entities may invest in the bonds and that the state will

not limit or alter the district, or the municipality's powers and duties with respect to the district, until the bonds are repaid.

The act specifies that its provisions do not restrict a municipality's ability to raise revenue to pay project costs by any other legal means.

BACKGROUND

Existing Municipal TIF Programs

By law, municipalities can use TIF to repay bonds issued to finance physical projects in areas designated for redevelopment (CGS § 8-124 et seq.), urban renewal (CGS § 8-140 et seq.), or municipal development (CGS § 8-186 et seq.). Redevelopment and urban renewal areas must be blighted; municipal development areas must be suitable for commercial and industrial uses.

State-designated distressed municipalities and targeted investment communities can also use bond-funded TIF to finance information technology projects; all municipalities can use it to clean up and redevelop contaminated property anywhere in a municipality (CGS § 32-23zz).

PA 15-68—sHB 6942

Planning and Development Committee

AN ACT VALIDATING THE ACTION OF A MUNICIPAL ASSESSOR, EXTENDING THE FILING DEADLINE FOR CERTAIN PROPERTY TAX EXEMPTIONS AND CONCERNING NOTICE REQUIREMENTS FOR ZONING APPLICANTS

SUMMARY: This act validates Naugatuck's October 1, 2014 grand list, regardless of the tax assessor's failure to meet statutory deadlines for publishing it. It authorizes the board of assessment appeals to hold appeal hearings in May, June, July, and August 2015 and requires the board to finish its business by August 31, 2015. Under the statutes, unless granted an extension, the (1) tax assessor must publish the grand list by January 31 annually and (2) appeals board must hear appeals in March and finish its business by the last business day of that month.

The act also limits the steps certain municipal land use commissions must take to identify owners of property abutting a property that is the subject of a public hearing related to a petition, application, request, or appeal to the commission. These commissions are zoning commissions, planning commissions, planning and zoning commissions, zoning boards of appeals, inland wetlands agencies, and aquifer protection agencies.

Lastly, the act extends the statutory deadlines for taxpayers in Durham, North Branford, and Windsor to file claims for certain property tax exemptions.

EFFECTIVE DATE: Upon passage

ASSESSMENT APPEALS

The act allows Naugatuck taxpayers to appeal their October 1, 2014 grand list assessment in writing by July 19, 2015, rather than by February 20 as generally required by the statutes. As under existing law, the board must notify taxpayers of the time and date of the appeal hearing at least seven days before the hearing, but the act requires the board to send the notices by August 18, 2015, rather than by March 1 as generally required by the statutes.

If the board decides not to hold a hearing on commercial, industrial, utility, or apartment properties assessed at more than \$1 million, it must notify the taxpayers by August 18, 2015, rather than by March 1 as generally required by the statutes. By law, taxpayers may appeal directly to Superior Court if a board elects not to hear appeals (CGS § 12-111).

Under the act, the statutory procedures for filing and hearing appeals continue to apply, except with respect to the deadlines.

LAND USE COMMISSION PUBLIC HEARING NOTICE

By law, in addition to publishing newspaper notices about public hearings concerning land use matters, land use commissions may notify property owners that the matter directly affects. The additional notice must be mailed to the persons who own land abutting the property that is the subject of the hearing, provided by posting a sign on the land that is the subject of the hearing, or both.

By law, for purposes of giving such notice, property owners are those persons listed as the owners on the property tax map or the most recently completed grand list. The act specifies that municipal land use commissions need not conduct a title search or engage in additional methods to identify abutters to whom they give the additional notice.

FILING DEADLINES FOR CERTAIN PROPERTY TAX EXEMPTIONS

Machinery and Equipment Tax Exemption

By law, taxpayers that are eligible for the statutory property tax exemption for machinery and equipment used for, among other things, manufacturing, biotechnology, or recycling must file for these exemptions annually by November 1. The act allows taxpayers in Durham and Windsor to claim this

machinery and equipment exemption on the October 1, 2014 grand list even if they missed the November 1, 2014 filing deadline (CGS § 12-81(72)).

Under the act, these taxpayers must file for the exemption by July 19, 2015 and pay the statutory late fee. In each case, the local tax assessor must verify the taxpayer's eligibility for the exemption and approve it, and the town must refund any taxes paid on the machinery and equipment. (Property on the October 1, 2014 grand list is taxed during FY 16.)

Nonprofit Property Tax Exemption

By law, property owners eligible for the statutory property tax exemption for land and buildings owned by nonprofit organizations must file quadrennially for this exemption by November 1. The act allows nonprofit organizations in North Branford to claim the exemption for property on the 2013 grand list even if they missed this statutory filing deadline.

Under the act, the nonprofit must file for the exemption by July 19, 2015 and pay the statutory late fee. The town's assessor must verify the organization's eligibility and approve the exemption. The town must refund any taxes, interest, and penalties paid on the property.

BACKGROUND

Related Act

PA 15-184, §§ 1-3, establishes the same extensions for taxpayers in Durham, North Branford, and Windsor to file claims for certain property tax exemptions, except it is effective July 1, 2015.

PA 15-95—SB 1045

Planning and Development Committee

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT

SUMMARY: This act extends, from July 1, 2015 to July 1, 2016, the deadline by which municipalities must resume complying with the statutory requirement to update their plans of conservation and development (plans of C&D) every 10 years to remain eligible for discretionary state funding. Prior law waived the requirement for decennial updates that were due between July 1, 2010 and June 30, 2015.

Prior law allowed municipalities to include recommendations for the general location and extent of sewer systems in their plans of C&D. The act, instead, requires plans scheduled for adoption on or after July 1, 2015, to identify the general location and extent of areas where sewer systems exist, are planned, and are to be

avoided. In identifying these areas, municipalities must consider the existing requirements (1) applicable to municipal plans of C&D and (2) concerning priority funding areas (i.e., Office of Policy and Management designated areas in which certain state-funded projects costing over \$200,000 must be undertaken).

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 15-100—sSB 186

*Planning and Development Committee
Judiciary Committee
Environment Committee*

AN ACT CONCERNING THE PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE OR ALL-TERRAIN VEHICLE

SUMMARY: This act allows municipalities to fine a first-time violator of a dirt bike or all-terrain vehicle (ATV) ordinance. It does so by allowing municipal officers or employees to issue citations without first providing a warning of a dirt bike or ATV violation. Prior law required, as is still the case for other ordinances enforced by citations, a municipal officer or employee to issue a written warning providing notice of a violation before he or she could issue a citation.

Existing law authorizes municipalities to adopt ordinances on the operation and use of (1) dirt bikes on public property, including hours of use, and (2) ATVs, including hours and zones of use.

EFFECTIVE DATE: October 1, 2015

PA 15-114—sSB 1069

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY AND EXTENDING THE MATURITY DATE FOR MUNICIPAL SEWERAGE SYSTEM BONDS

SUMMARY: This act increases, from 30 to 40 years, the maximum term of municipal sewer bonds. It applies to sewer bonds secured by municipal revenue (i.e., general obligation bonds) and sewer system user charges (i.e., revenue bonds).

The act also makes several changes in the Metropolitan District Commission’s (MDC) special act charter. It:

1. broadens MDC’s ability to appropriate funds for capital expenditures that exceed certain

threshold amounts without the approval of a majority of the district’s voters or a supermajority of the district’s board;

2. allows MDC, instead of publishing in a newspaper a full legal notice soliciting competitive bids or proposals, to advertise a brief description of the notice, which must be published in full on a newspaper website; and
3. increases, from one to two years, the time that a lien for delinquent MDC water rates and charges runs before it must be continued by filing a certificate with the town clerk.

EFFECTIVE DATE: October 1, 2015

APPROPRIATIONS FOR CAPITAL EXPENDITURES

Expenditures Requiring Special Approval

Prior law generally required two-thirds of MDC’s district board and a majority of the district’s voters to approve any single capital expenditure of more than \$5 million. The act (1) increases this threshold to \$20 million, annually adjusted for inflation as described below, and (2) limits the required voter approval to the portion of the appropriation that exceeds the threshold. The act’s provisions apply to any appropriation the board approves on or after October 1, 2015.

By law, the threshold applies to capital expenditures that may be financed over the long term, even if the district’s budget pays for them with current revenue. It does not apply to regularly recurring capital expenditures.

The act also increases, from \$10 million to double the capital expenditure threshold (i.e., \$40 million, adjusted for inflation), the amount the district board can appropriate in any single year, without voter approval, for public emergencies that threaten lives, health, or property in the district. By law, such emergency appropriations must be approved by a two-thirds vote of the board.

Calculating the Threshold

Under the act, the threshold must be annually adjusted on October 1, beginning in 2016, by the percentage increase in the consumer price index for urban consumers during the previous 12-month period, as most recently published by the U.S. Department of Labor, Bureau of Labor Statistics.

The act requires the district board, in determining whether an appropriation meets the threshold, to deduct the aggregate amount of federal and state grants available, or committed or expected to be made available, for the appropriation. It specifies that the board’s determination as to such grants is conclusive.

LEGAL NOTICES FOR COMPETITIVE BIDS OR PROPOSALS

The law generally requires MDC to solicit competitive bids or proposals for work or supplies costing more than \$25,000. Prior law required MDC to advertise the solicitations by publishing a notice in daily and weekly newspapers that serve its member municipalities. As an alternative, the act allows MDC to publish a brief summary of the bid or proposal and reference the newspaper website where the full notice is published, provided the website is free to access. Newspapers must place the full legal notices in a conspicuous location on their websites.

As under existing law, MDC must also publish the solicitations on its website.

PA 15-147—sHB 5092

Planning and Development Committee

AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND PRIVATE WAYS BY MUNICIPALITIES

SUMMARY: The law generally allows town selectmen to discontinue all or part of a highway, private way, or land dedicated to such use with approval by a majority vote at a regular or special town meeting. This act requires them to notify owners of certain abutting properties before they meet to take final action on a discontinuance. It also requires them to mail notification of, and record, certain information on the land records if the discontinuance is approved. These provisions apply to discontinuances proposed to take effect on or after October 1, 2015.

The act allows a property owner aggrieved because he or she did not receive the required meeting notice to apply to the Superior Court for relief within 120 days after the discontinuance notice is recorded on the land records. It reduces, from eight months to 120 days, the period during which a person aggrieved by a discontinuance may appeal to the Superior Court.

Additionally, the act reduces, from eight months to 120 days, the period during which an aggrieved person may appeal to the Superior Court the selectmen's (1) decision to lay out (i.e., designate) a highway or (2) failure to act on a discontinuance petition within 12 months.

Finally, the act makes technical changes.

EFFECTIVE DATE: October 1, 2015 and applicable to discontinuances or partial discontinuances proposed to take effect on or after that date.

NOTICE OF MEETING TO ACT ON A DISCONTINUANCE

Under the act, before selectmen meet to take final action on a discontinuance, they must send written notice of the meeting to the owner of each property that bounds the highway, private way, or dedicated land, or part being discontinued. The notice must (1) include the meeting date, time, place, and subject and (2) be sent by first class mail at least 30 days before the meeting to each property owner's address, as shown on the most recent grand list. If the selectmen believe that the discontinued area's boundary lines have become lost or uncertain, they must make reasonable efforts to identify the lines and notify the owners that bound such lines. The reasonable efforts do not have to include (1) examining titles or abstracts or (2) a land survey.

However, the selectmen need not send such notice to a property owner if they make a finding on the record supported by articulated fact that:

1. the owner's property does not bound the discontinued portion of the highway, private way, or dedicated land;
2. such notice is unnecessary; and
3. the property owner will not lose his or her sole access to a highway, private way, or land dedicated to such use after the discontinuance.

Under the act, 30 days before the meeting, the selectmen must conspicuously post a sign on each end of the highway, private way, or dedicated land, or part being discontinued indicating the date, time, place, and subject of the meeting. Only one sign is required if the selectmen make a finding on the record supported by articulated fact that only one sign is necessary.

PROVIDING NOTICE OF AN APPROVED DISCONTINUANCE

Under the act, if the selectmen and a majority of the town meeting approve a discontinuance, the selectmen must:

1. first, send notice of the decision, by certified mail, return receipt requested, to each property owner who was sent notice before the meeting to take final action on the discontinuance and
2. next, record notice of the approval on the land records.

The latter notice must include (1) a list of each parcel that bounds the affected highway, private way, or dedicated land and for which notice was required before the meeting to take final action on the discontinuance; (2) the name of each such parcel owner, as shown in the most recent grand list; and (3) the current assessor's map, block, and lot number for each such parcel.

INVALIDATING A DISCONTINUANCE

The act allows a property owner aggrieved by a discontinuance to apply to the Superior Court for relief if he or she did not receive the required meeting notice. However, it prohibits a court from invalidating a discontinuance or partial discontinuance if the town establishes that the notice was mailed to the owner's address as shown on the most recent grand list or the selectmen (1) made a good-faith effort to identify the parcels that bound the highway, private way, dedicated land, or identified boundary line and (2) mailed notice to each owner, as shown on the most recent grand list.

BACKGROUND

Related Law

Existing law gives property owners bounding a partially or completely discontinued or abandoned highway a right-of-way over such highway to the nearest or most accessible highway (CGS § 13a-55).

PA 15-155—sHB 6259

Planning and Development Committee

AN ACT CONCERNING THE BOUNDARIES OF REGIONAL ECONOMIC DEVELOPMENT DISTRICTS

SUMMARY: This act increases, from eight to nine, the maximum number of regional economic development districts (REDD) that can be established in the state. By law, regional planning and economic development organizations may establish REDDs to coordinate economic development projects and prepare comprehensive economic development strategies, which are required for certain types of federal Economic Development Administration (EDA) assistance (e.g., infrastructure and business development assistance).

Under prior law, REDDs had to either align (1) with at least one planning region's boundaries or (2) to the extent practicable, with former county boundaries. The act eliminates the latter option, thus requiring REDD boundaries to align with at least one planning region's boundaries. Currently, there are nine planning regions.

The act eliminates the requirement that each REDD meet economic distress criteria established in federal regulations (see BACKGROUND). It also makes a technical change.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Economic Distress Criteria

Federal regulations require recipients of certain types of EDA assistance to meet at least one of the following economic distress criteria:

1. an unemployment rate that is, for the most recent 24-month period for which data are available, at least one percentage point above the national average unemployment rate;
2. per capita income that is, for the most recent period for which data are available, 80% or less of the national average; or
3. a special need, as determined by the EDA (13 CFR § 301.3 (a)(1)).

PA 15-156—sHB 6571

*Planning and Development Committee
Judiciary Committee*

AN ACT CONCERNING THE MUNICIPAL TAX COLLECTION STATUTES

SUMMARY: This act makes several changes in the municipal tax collection statutes. Among other things, it:

1. allows municipalities and district health departments to withhold or revoke a business license or permit if a business owes water, sewer, or sanitation charges that are at least one year delinquent, as they may already do for delinquent taxes (§ 3);
2. requires municipalities to follow a taxpayer's written instructions specifying the property or properties to which a specific tax payment should be applied (§ 1);
3. eliminates the requirement that tax collectors apply payments for outstanding personal or real property taxes to recording fees related to the taxpayer's delinquency (§ 1);
4. requires municipalities to retain any interest that accrues on excess tax sale proceeds;
5. specifies that state and municipal tax liens against a delinquent taxpayer have precedence or priority over any claim against the taxpayer by a party who redeems (i.e., buys back) a property following a tax sale;
6. specifies that tax payments made through a municipal electronic payment service are timely, and thus not subject to interest charges, if they are made within the payment's statutory deadline, as is already the case with postmarked envelopes (§ 2); and

7. makes minor and technical changes (§§ 4 & 7).

EFFECTIVE DATE: October 1, 2015

§§ 5 & 6 — TAX SALES

Notice to Taxpayer

The law requires a tax collector selling property through a tax sale to provide notice of the sale to the taxpayer. Under prior law, the notice had to include a statement indicating that additional taxes, interest, fees, and other charges accruing after the notice was sent had been added to the amount due in the notice. The act instead requires the statement to indicate that such taxes, interest, fees, and charges are owed in addition to the amount due in the notice.

Notice to Interested Parties

Following a tax sale, the law requires tax collectors to publish a newspaper notice and mail notice to the owner, mortgagee, lienholder, and other interested parties affected by the sale. Among other things, the notice must state that if the property is not redeemed (i.e., bought by the owner or other interested parties), all parties notified will lose their respective titles, mortgages, liens, and other interests in it. The act expands this list of interests to include alienation restraints on the property (i.e., deed restrictions that seek to prevent the property's sale or transfer).

Redemption

By law, the delinquent taxpayer or another interested party can redeem the property, generally within six months after the date of the tax sale, by paying certain taxes, interest, debts, and charges on the property. The act extends the redemption period to cover the period from the tax sale notice's publication through the sale date.

Redeemer's Claim Against the Delinquent Taxpayer

By law, a redeeming party who paid delinquent taxes on the property can pursue a claim against the delinquent taxpayer. That claim has the same priority over other encumbrances as the tax paid, but not over any tax that was not yet due and payable when the collector first published notice of the levy. Under the act, the redeemer's claim additionally does not take precedence or priority over any state or municipal tax liens. The act also provides that the claim includes the same interest rate as that imposed on unpaid taxes.

Tax Collector's Deed

The act requires a deed for a property sold at a tax sale (i.e., tax collector's deed) to indicate that the property may be encumbered by municipal and state liens. (PA 15-5, June Special Session, § 47, eliminates the requirement that the deed specify that the property may be subject to state liens.) Existing law requires the deed to indicate that the property may be encumbered by municipal taxes that became due after notice of the sale was first published; easements, covenants, and restrictions in favor of other properties; interests exempt from sale under the U.S. Constitution and laws; and other interests described in the deed.

Interest Earned on Escrow Accounts

By law, if a tax sale produces more than the back taxes, penalties, interest, fees, and costs due on the property, the excess proceeds must be placed in an interest-bearing escrow account. The act requires municipalities to retain any interest that accrues on the excess proceeds. Under prior law, they retained the interest only if the property was redeemed after the tax sale.

Claims on Tax Sale Proceeds

If a property is not redeemed, the tax collector must (1) transfer the amount held in escrow to the Superior Court, after deducting an amount necessary to cover any delinquent taxes, interest, penalties, costs, and fees the former owner owes to the municipality and (2) notify all interested parties of their right to apply to the court for the money. The act provides that the property's purchaser may not be a party to an action to claim the funds without the purchaser's consent, as is the case with municipalities under existing law.

PA 15-169—HB 6852

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING THE MUNICIPAL REIMBURSEMENT AND REVENUE ACCOUNT

SUMMARY: This act eliminates prior law's timeframes for expenditures made by the Office of Policy and Management (OPM) from the municipal reimbursement and revenue account for:

1. the statewide high-speed network (Nutmeg Network),
2. a tax incidence study (i.e., an analysis of taxes' impact on various taxpayer groups), and

3. the universal chart of accounts for municipalities (a tool used to standardize accounting practices).

It also specifies that funds for the universal chart of accounts may be used to reimburse expenses incurred on or after July 1, 2013.

PA 13-247, § 328, established the municipal reimbursement and revenue account and required OPM to use its funds for the purposes stated above. It allocated:

1. \$1,087,000 for the Nutmeg Network in both FYs 14 and 15,
2. \$500,000 in FY 14 and \$200,000 in FY 15 for a tax incidence study, and
3. \$450,000 in FY 14 for the universal chart of accounts.

EFFECTIVE DATE: July 1, 2015

PA 15-170—HB 6853

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING GRANTS AVAILABLE THROUGH THE INTERTOWN CAPITAL EQUIPMENT PURCHASE INCENTIVE PROGRAM

SUMMARY: This act increases the maximum grant the Office of Policy and Management can provide under the Intertown Capital Equipment Purchase Incentive Program, which helps municipalities jointly buy or lease needed vehicles or capital equipment. It increases the maximum grant from the lesser of \$250,000 or 50% of the total acquisition cost, to the lesser of \$375,000 or 80% of the cost.

By law, the grants may be used to buy or lease (1) a maintenance vehicle, pickup truck, tractor, truck tractor, utility trailer, or similar vehicle or (2) any other equipment, including data processing equipment with a unit price under \$1,000, that has an expected remaining useful life of at least five years from the purchase or lease date. The municipality must use the vehicle or equipment to perform or deliver a required government function or service.

EFFECTIVE DATE: October 1, 2015

PA 15-229—sHB 6943

Planning and Development Committee

AN ACT DELAYING A MUNICIPAL TAX REVALUATION DEADLINE AND CONCERNING MUNICIPAL RESERVE FUNDS

SUMMARY: This act expands the purposes for which a municipality may create a reserve fund to include property tax revaluation costs and makes conforming changes. Prior law restricted the use of such funds to capital and nonrecurring expenditures to (1) acquire a specific piece of equipment or (2) plan, construct, reconstruct, or acquire a specific capital improvement. As under existing law, the municipality's budget-making authority (i.e., board of finance, board of selectmen, district committee, or other body charged with preparing the budget) must recommend any expenditure from the fund, and its legislative body must approve it.

The act also allows North Stonington, with its legislative body's approval, to delay a revaluation scheduled for 2015 until the 2016 assessment year. If the town opts to do so, it must implement its next revaluation within five years after the delayed revaluation takes effect. The act allows the person or entity authorized by law to prepare rate bills in North Stonington to prepare new rate bills based on the delayed revaluation.

EFFECTIVE DATE: October 1, 2015, except the revaluation delay provision is effective upon passage.

PA 15-80—sHB 6738

*Program Review and Investigations Committee
Finance, Revenue and Bonding Committee*

**AN ACT IMPLEMENTING THE
RECOMMENDATIONS OF THE PROGRAM
REVIEW AND INVESTIGATIONS COMMITTEE
CONCERNING THE FEDERAL ACHIEVING A
BETTER LIFE EXPERIENCE ACT**

SUMMARY: This act requires the state treasurer to (1) establish a federally qualified Achieving a Better Life Experience (ABLE) program and (2) administer individual ABLE accounts. The program must encourage and help eligible individuals and families save private funds to pay for qualifying expenses related to disability or blindness. To run the program, the act establishes the Connecticut ABLE Trust, administered by the state treasurer, to receive and hold funds intended for ABLE accounts. It generally exempts money in the trust and interest earnings on it from state and local taxation and requires the state treasurer to ensure that funds are exempt from federal taxation pursuant to federal law.

Under the act, funds invested in, contributed to, or distributed from an ABLE account must be disregarded when determining an individual's eligibility for assistance under federally funded assistance or benefit programs, including:

1. the Temporary Family Assistance program,
2. programs funded under the federal Low Income Home Energy Assistance Program, and
3. the state's medical assistance programs (i.e., HUSKY and Medicaid).

The act also prohibits the state's public colleges and universities from considering funds invested in ABLE accounts when determining eligibility for need-based institutional aid. In general, institutional financial aid consists of aid originating from the institution and excludes federal or state financial aid awarded to students.

EFFECTIVE DATE: October 1, 2015

§§ 1 & 2 — ELIGIBILITY

Designated Beneficiary

The act requires the state treasurer to establish a qualified ABLE program pursuant to the federal ABLE Act (see BACKGROUND) and administer individual ABLE accounts to pay a designated beneficiary's qualified disability expenses. To be designated as a beneficiary, a person must:

1. own an individual ABLE account;
2. be entitled to benefits, based on blindness or disability, under federal Social Security Disability Insurance (SSDI) or federal Supplemental Security Income (SSI) during a taxable year;
3. have acquired his or her disability or become blind before age 26;
4. reside in Connecticut or in a state that (a) does not have a qualified ABLE program and (b) has entered into a contract with Connecticut's state treasurer or other officer to allow its residents to access qualified ABLE programs; and
5. have a disability certification filed with the state treasurer for the taxable year.

Under the act, a disability certification by an individual or his or her parent or guardian must, to the satisfaction of the U.S. Treasury secretary:

1. certify the individual is blind or has a medically determinable physical or mental impairment that (a) results in marked and severe functional limitations and (b) can be expected to result in death or will last for at least 12 months;
2. certify the impairment or blindness occurred before age 26; and
3. include a copy of the individual's diagnosis of impairment or blindness, signed by a licensed physician.

Contribution Limits and Qualified Disability Expenses

Federal law limits the amount one may contribute to an ABLE account and how the account may be used. It generally limits the aggregate amount of contributions to an individual's ABLE account (1) during a taxable year, to the federal annual gift tax exclusion amount (\$14,000 in 2015) and (2) in total, to the limit the state establishes for its qualified tuition program (e.g., the Connecticut Higher Education Trust) (26 USC § 529A) (\$300,000 in 2015).

The act allows anyone to contribute to an individual ABLE account to meet qualified disability expenses of the account's designated beneficiary. Under the act, qualified disability expenses (1) are made for the designated beneficiary's benefit and (2) relate to his or her blindness or disability. They include expenses for:

1. education,
2. housing,
3. transportation,
4. employment training and support,
5. assistive technology and personal support services,
6. health,

7. prevention and wellness,
8. financial management and administrative services,
9. legal fees,
10. oversight and monitoring expenses,
11. funeral and burial expenses, and
12. other expenses approved by the U.S. Treasury secretary under regulations adopted under the federal ABLÉ act.

§§ 2-5, 7, & 8 — TRUST REQUIREMENTS

§2 — *Assets*

Under the act, the trust must receive and hold all deposits, gifts, bequests, endowments, government grants, and other sources of funds and earnings on those funds, until disbursed to a designated beneficiary for qualified disability expenses. Deposits must be made in cash.

Depositors and beneficiaries may direct the investment of their contributions or amounts in the trust up to twice annually by choosing specific fund options that the state treasurer may establish within the trust.

Under the act, the trust is an instrumentality of the state performing essential government functions, but is not a state agency. Funds in the trust are not state property. They cannot be combined with state funds, and the state has no claim on them, unless the trust is terminated, in which case any unclaimed assets return to the state under the unclaimed property law. Obligations of the trust, including contracts it enters into, are not a debt or obligation of the state, nor does the state have any obligation to anyone on account of the trust. The act limits all amounts obligated to be paid from the trust to amounts on deposit available in the trust for such an obligation. The trust must continue to exist as long as it has deposits or obligations until terminated by law.

§ 3 — *State Treasurer's Authority*

Under the act, the treasurer, on behalf of the trust and to carry out its purposes, may establish consistent terms for participation agreements, which are agreements between the trust and those making deposits into an ABLÉ account to benefit a designated beneficiary. Terms include (1) method of payment into ABLÉ accounts by payroll deduction, transfer from bank accounts, or otherwise; (2) termination, withdrawal, or transfer of payments (including to another state's ABLÉ program); (3) penalties for improper use of funds; and (4) administration charges or fees.

The treasurer may also:

1. receive and invest the trust's money;
2. enter into contractual agreements for services for the trust and pay for them with the trust's earnings;
3. procure insurance;
4. apply for and receive public and private gifts, grants, and donations;
5. sue and be sued;
6. establish funds within the trust and maintain separate ABLÉ accounts for each designated beneficiary; and
7. take other necessary actions to carry out the act's purposes.

§ 4 — *Investment*

The act requires the treasurer to (1) invest the trust's funds in a reasonable way to achieve the trust's objectives; (2) exercise a prudent person's care and discretion; and (3) consider such things as rate of return, risk, maturity, portfolio diversification, liquidity, projected disbursements and expenditures, and expected deposits and other gifts. The act prohibits the treasurer from requiring the trust to invest directly in (1) obligations of the state or any of its political subdivisions or (2) investments or other funds she administers.

Under the act, the treasurer must continuously invest and reinvest the trust's assets until they are (1) disbursed for qualified disability expenses, (2) spent on operating the trust, or (3) refunded to the depositor or the designated beneficiary in accordance with the participation agreement.

§ 5 — *Offering and Solicitation*

Under the act, material intended for distribution to prospective investors does not have to be filed with the banking commissioner and investments do not have to be registered with him. But the act requires the treasurer to get written advice from counsel or the Securities Exchange Commission that the trust and participation in it are not subject to federal securities laws.

§ 8 — *Federal Tax Exemption*

The act requires the treasurer to do what is necessary to ensure that the trust complies with federal and state laws so that it constitutes a qualified state ABLÉ program exempt from federal tax. Under the federal Internal Revenue Code, qualified ABLÉ programs are generally exempt from income tax to the extent that they do not exceed the qualified disability expenses of the designated beneficiary (26 USC § 529A).

§ 7 — State Pledge

The act allows the trust to include a pledge in its participation agreements and other contracts that the state will not alter the rights of participants until all of its obligations are discharged and contracts performed, unless the law makes adequate provision for their protection.

§ 2 — REPORTS

By December 31, 2016, the act requires the treasurer to begin including in her annual reports to the governor information on the operations of the trust, including receipts, disbursements, assets, investments and liabilities, and administrative costs for the prior fiscal year.

By that date, she must also begin submitting annual reports to the Finance, Revenue and Bonding and Public Health committees and making them available to depositors and designated beneficiaries. The reports must include:

1. the number of ABLE accounts,
2. the total amount of contributions to ABLE accounts,
3. the total amount and nature of distributions from ABLE accounts, and
4. a description of any issues relating to any abuse of ABLE accounts.

BACKGROUND

Federal Law

The 2014 federal ABLE Act (P.L. 113-295) allows states to establish and maintain qualified ABLE programs to:

1. encourage and help individuals and families save private funds to support individuals with disabilities to maintain health, independence, and quality of life and
2. provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not replace, benefits provided through private insurance, Medicaid, SSI, employment, and other sources.

Generally, under federal law, qualified ABLE programs are exempt from federal taxation, and funds in ABLE accounts may not be considered when determining eligibility for benefits or assistance programs authorized by federal law unless the funds exceed \$100,000.

PA 15-197—sHB 6855

*Program Review and Investigations Committee
Veterans' Affairs Committee*

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE REGARDING RESIDENTIAL SERVICES AT THE VETERANS' HOME

SUMMARY: This act gives the Department of Veterans' Affairs (DVA) Board of Trustees more oversight over the department. It specifically requires (1) the DVA commissioner to give the board certain information in a timely manner so that it can monitor DVA's performance and (2) the board to review and comment on the DVA budget and major policies concerning the Veterans' Home.

The act increases the voting membership of DVA's Board of Trustees by changing the DVA commissioner's status from that of a voting member to a nonvoting ex-officio member and adding two Veterans' Home residents as voting members, thus increasing the number of voting members from 17 to 18. It also adds certain board appointment and resignation conditions.

It requires: (1) the DVA commissioner to report to the legislature, by February 1, 2016, on a plan for providing transitional and permanent housing and on-campus work programs and (2) an assessment of the feasibility of implementing the Program Review and Investigations Committee's (PRI) recommendations regarding Veterans' Home's operation. It also requires DVA's chief fiscal officer (CFO) to semiannually submit a report to each Veterans' Home resident on how the institutional general welfare fund was used in the previous six months.

Under the act, if the Veterans' Home or health care facility closes, the DVA commissioner must provide or arrange housing for any veteran residing there on the date it closes or ceases to provide housing.

Under the act, the DVA commissioner must amend regulations as necessary to allow Veterans' Home residents, their relatives, or authorized representatives to file a written complaint concerning the home's policies, procedures, and administrative decisions. The regulations must include a procedure for filing such complaints, including deadlines by which complaints must be received, investigated, and acted upon. The commissioner must submit the proposed regulations in accordance with the Uniform Administrative Procedure Act for public comment by September 29, 2015.

EFFECTIVE DATE: July 1, 2015, except upon passage for the DVA housing requirement and legislative reporting provision.

DVA BOARD OF TRUSTEE OVERSIGHT

The act requires the DVA commissioner to provide the board with information it needs to monitor the department's performance. The information must be provided in a timely manner and include:

1. DVA's budget each fiscal year;
2. quarterly reports for the preceding four months (a) on DVA's actual revenue and expenditures; (b) on the staffing levels at the Veterans' Home, including direct care staffing at the health care facilities and case manager to resident ratios; and (c) summarizing incident rates at the health care facility within the Veterans' Home;
3. facilities and fleet management, including current and planned projects;
4. quarterly summaries of applications for admission to, departures from, and occupancy rates at, the home for the preceding four months;
5. program performance, including programs for employment assistance and assistance to resident veterans interested in securing housing outside the Veterans' Home;
6. results of annual DVA-conducted resident satisfaction surveys;
7. reports on the number of rules violations against Veterans' Home residents and the penalties issued;
8. performance reports on programs operated by DVA's Office of Advocacy and Assistance and annual customer satisfaction reports from veterans who request assistance from the office;
9. caseload figures for veterans' service officers;
10. any federal and state inspection results;
11. quarterly reports summarizing (a) by type, frequency, and resolution, concerns raised by Veterans' Home residents and (b) petitions and complaints filed by Veterans' Home residents and their relatives or authorized representatives the commissioner received for the four preceding months; and
12. copies of such petitions and complaints.

DVA BOARD OF TRUSTEES

Membership

The act increases the voting membership of DVA's Board of Trustees from 17 to 18. It does so by changing the DVA commissioner's, or his designee's status as a voting member to a nonvoting ex-officio member who must attend board meetings, and by adding two Veterans' Home residents as voting members. The two

new members must be the respective presidents of the home's veterans' council and home's health care facility council.

Appointments. As under prior law, the board has 16 appointed members, with the governor appointing 10 and the six legislative leaders each appointing one. By law, a majority of the board members must be veterans.

The act also specifies that any vacancy on the board must be filled for the remainder of the term by the appointing authority in the same manner as the original appointment.

Under the act, the governor appoints a board chairperson. Existing law requires the board to meet at least quarterly or upon the DVA commissioner's call. The act also requires the board to meet when the chairperson or a majority of the board members call a meeting.

Resignations. On and after January 1, 2016, any board member, except the DVA commissioner, is deemed to have resigned, effective immediately, from the board, if he or she is absent from (1) three consecutive board meetings or (2) half the meetings in a calendar year.

Board Notices. Under the act, all board meeting notices, minutes, and reports with a date of January 1, 2012 or later must be posted on DVA's website in a conspicuous location. The board meeting minutes held on or after July 1, 2015 must be posted on DVA's website within seven days after the meeting is held. If applicable, the minutes must contain a statement that such minutes are considered draft minutes until the board approves them.

REPORTING REQUIREMENTS

Board of Trustees

Prior law required the DVA board to annually submit a report to the governor and the Public Safety and Security and Veterans' Affairs committees on its activities and recommendations for improving the delivery of services to veterans and the addition of new programs.

The act instead requires the report to (1) be submitted before February 15 each year and (2) include information on the progress in fulfilling DVA's mission based on programmatic outcomes. It eliminates the requirement that the report be sent to the Public Safety and Security Committee and specifies that the activities being reported must be those from the previous calendar year.

Legislative Report

The act requires the DVA commissioner to submit, by February 1, 2016, a report to the Veterans' Affairs and PRI committees. The report must include a plan (1)

for providing transitional housing and permanent supportive housing to veterans at the Veterans' Home or other DVA-determined locations and (2) regarding on-campus work programs for residents.

The report must also include an assessment of the feasibility of the recommendations the PRI Committee approved on December 19, 2014 concerning:

1. appropriate staffing for such transitional housing and permanent supportive housing,
2. Veterans' Home residents and new applicants' housing needs and preferences assessment,
3. admission of people with a psychiatric history,
4. providing semiprivate or private rooms to residents,
5. residential care fees,
6. providing life and vocational skills classes for residents,
7. recruiting volunteers and encouraging residents' efforts to volunteer in the community,
8. safety and security rules and procedures for residents,
9. procedures for addressing rule violations by residents,
10. providing transitional housing that facilitates residents' successful discharge to independent living and encourages personal responsibility,
11. providing permanent supportive housing that recognizes long-term stays and encourages independence,
12. improving substance use treatment services, and
13. caring for Veterans' Home residents who are aging in place.

CFO Report

The act requires the DVA CFO to semiannually submit a plain language report to each Veterans' Home resident detailing how the institutional general welfare fund was used in the previous six months to directly benefit veterans or the home. The report must include a (1) prominently displayed statement encouraging residents to submit suggestions for projects the fund may support and (2) suggestion submission form.

By law, the CFO must submit an itemized list of expenditures from the institutional general welfare fund to the commissioner at least every two months.

BACKGROUND

Veterans' Home

The Connecticut State Veterans' Home provides domiciliary and 24-hour nursing care to eligible veterans. Domiciliary care consists of shelter, food, and

some social services.

Most domiciliary care residents live in the main residential facility. Others participate in a residential substance use treatment program with separate housing, live somewhat independently in campus apartments for a short time, or reside in one of several single-family houses near the main home campus. The nursing care residents live in a separate health care facility.

The home accounted for 97% of DVA's total budget in FY 14, with a total cost of nearly \$28 million.

PA 15-209—sHB 6737

*Program Review and Investigations Committee
Human Services Committee
Appropriations Committee
Education Committee*

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING TRANSITIONAL SERVICES FOR YOUTH AND YOUNG ADULTS WITH AUTISM SPECTRUM DISORDER

SUMMARY: This act requires the State Board of Education (SBE), by July 1, 2015, to draft a bill of rights for parents of children receiving special education services guaranteeing to protect the rights of these students and their parents when receiving these and related services. It requires the State Department of Education (SDE), starting with the 2015-16 school year, to annually distribute the bill of rights to local and regional boards of education. The bill of rights must be provided at planning and placement team (PPT) meetings for special education students in grades six through 12, to the (1) student's parents or guardians; (2) surrogate parent, if one has been appointed; and (3) student, if he or she is emancipated or over age 18.

By law, when a student is identified as requiring special education, and at each PPT meeting, school boards must provide the above-listed individuals with information on (1) special education laws, (2) their rights under these laws, and (3) relevant information and resources on individualized education programs (IEPs) created by SDE. The act requires this to include information on transition resources and services for high school students. It also requires SBE to ensure that school boards provide all such information to these individuals.

The act also requires the Department of Rehabilitative Services (DORS) commissioner, in consultation with the Department of Developmental Services (DDS), SDE, labor, and mental health and addiction services commissioners, or their designees, to develop a proposed definition of "competitive

employment” for each agency to use in relation to state matters. By February 1, 2016, the DORS commissioner must report on the proposed definition to the Education, Human Services, Labor, and Public Health committees.

Finally, the act requires DDS, beginning by February 1, 2016, to report annually to the Public Health Committee on the activities of the department’s (1) Division of Autism Spectrum Disorder Services and (2) Autism Spectrum Disorder Advisory Council.

EFFECTIVE DATE: July 1, 2015

BILL OF RIGHTS

The bill of rights for parents of children receiving special education services must inform parents, guardians, surrogate parents, and students who are emancipated or age 18 or older of the:

1. right to request consideration for transition services for a child receiving special education who is age 18 to 21;
2. right to receive transition resources and materials from SDE and the school board responsible for the child;
3. requirement that the school board, starting in sixth grade, create a student success plan for the child; and
4. right of the child to receive realistic and specific post-graduation goals as part of his or her IEP.

DDS REPORTING REQUIREMENT

DDS’s annual report to the Public Health committee must include:

1. the number and ages of people with autism spectrum disorder (ASD) who are served by (a) the department’s Division of Autism Spectrum Disorder Services (division) and (b) when practicable to report, other state agencies;
2. the number and ages of people on the division’s waiting list for Medicaid waiver services;
3. the type of Medicaid waiver services DDS currently provides to people with ASD;
4. descriptions of (a) the unmet needs of people with ASD on the division’s waiting list and (b) new initiatives and proposals that are being considered;
5. the projected five-year estimates of the costs to the state for the unmet needs; and

6. measurable outcome data for people with ASD who are eligible to receive division services, including their enrollment in postsecondary education, employment status, and living arrangements.
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PA 15-3—HB 6794

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING MASSAGE THERAPIST QUALIFICATIONS

SUMMARY: This act requires an applicant for a massage therapist license to successfully complete an examination prescribed by the Department of Public Health. Prior law required such applicants to successfully complete the National Certification Examination for Therapeutic Massage and Bodywork, which is no longer offered.

Existing law also requires license applicants to graduate from an accredited massage therapy school that meets specified criteria.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

PA 15-4—sSB 257

Public Health Committee

AN ACT CONCERNING REPORTING OF PAYMENTS BY MANUFACTURERS TO INDEPENDENTLY-PRACTICING ADVANCED PRACTICE REGISTERED NURSES

SUMMARY: Legislation enacted in 2014 requires manufacturers of covered drugs, devices, biologicals, and medical supplies to report to the Department of Consumer Protection (DCP) on payments or other transfers of value they make to advanced practice registered nurses (APRNs) practicing in Connecticut (see BACKGROUND).

This act:

1. extends, by two years, the due date for the first report, from July 1, 2015 to July 1, 2017; reduces the reporting frequency from quarterly to annually; and specifies that the reports cover the previous calendar year;
2. limits the reporting requirement to payments made to independently practicing APRNs (i.e., those not practicing in collaboration with a physician) (see BACKGROUND);
3. requires (a) the Department of Public Health, by December 1 annually, to publish on its website a list of APRNs authorized to practice independently and (b) manufacturers to use the list when determining whether they must report to DCP; and

4. excludes from the reporting requirement the same payments excluded under the federal law on reporting payments to physicians and teaching hospitals.

EFFECTIVE DATE: Upon passage

MANUFACTURER REPORTING REQUIREMENT FOR PAYMENTS TO APRNS

Exceptions to Reporting Requirement

Under existing law, the reporting requirement does not apply to transfers made indirectly to an APRN through a third party, for an activity or service in which the manufacturer is unaware of the APRN's identity.

The act also exempts payments excluded under the federal Physician Payments Sunshine Act, which requires these manufacturers to report on payments or transfers of value to physicians or teaching hospitals (42 USC § 1320a-7h(e)(10)).

Thus, the act excludes the following from the reporting requirement:

1. transfers valued at under \$10, unless the aggregate amount transferred to, requested by, or designated on behalf of the recipient by the manufacturer during the calendar year exceeds \$100, adjusted for inflation after 2012 (the 2015 thresholds are \$10.21 and \$102.07);
2. product samples intended for patient use and not intended for sale;
3. educational material directly benefiting patients or intended for them;
4. loans of a device for a short-term trial period, up to 90 days, to allow the recipient to evaluate the device;
5. items or services provided under a contractual warranty, including device replacement, where the warranty terms are set forth in the purchase or lease agreement;
6. transfers made when the recipient is a patient and not acting in his or her professional capacity;
7. discounts, including rebates;
8. in-kind items used to provide charity care;
9. dividends or other profit distributions from, or ownership or investment interests in, a publicly traded security and mutual fund;
10. payments to manufacturers who offer self-insured plans, for health care to employees under the plan;
11. payments to recipients also licensed as non-medical professionals, solely for those other professional services; and
12. payments solely for the recipient's services with respect to a civil or criminal action or an administrative proceeding.

BACKGROUND

Reporting of Manufacturer Payments to APRNs

By law, the reporting requirement applies to manufacturers of drugs, devices, biological products, or medical supplies covered by (1) Medicare or (2) the state Medicaid or Children's Health Insurance Program plan, including a plan waiver. These manufacturers must report the same information required by the federal Physician Payments Sunshine Act. Among other things, the reports must include the (1) recipient's name and business address, (2) amount and date of the payment or other transfer of value, and (3) form and nature of the payment or transfer.

A manufacturer that fails to report, as required, is subject to a civil penalty of \$1,000 to \$4,000 for each unreported payment or transfer.

Independently-Practicing APRNs

As of July 1, 2014, the law allows APRNs to practice independently if they have been (1) licensed and (2) practicing in collaboration with a Connecticut-licensed physician for at least three years and 2,000 hours. After meeting these conditions, APRNs seeking to practice independently must notify the public health commissioner of their intention to do so.

PA 15-10—sHB 5525

Public Health Committee

AN ACT CONCERNING CYTOMEGALOVIRUS

SUMMARY: Starting January 1, 2016, this act requires all health care institutions caring for newborn infants to test those who fail a newborn hearing screening for cytomegalovirus (CMV) (see BACKGROUND). It requires the testing to be done (1) within available appropriations and (2) as soon as is medically appropriate, unless, as allowed by law, their parents object on religious grounds.

Like existing law that requires these institutions to test newborn infants for cystic fibrosis, severe combined immunodeficiency disease, and critical congenital heart disease, the test for CMV 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.

The act also requires health care institutions to report CMV cases confirmed by the screening to the Department of Public Health (DPH) in a form and manner the commissioner prescribes.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

CMV

CMV is a type of herpesvirus, which places it in a group with chickenpox, shingles, and mononucleosis. Although usually harmless in healthy adults and children, CMV in newborns can lead to hearing loss or developmental disabilities. Transmission from mother to fetus occurs during pregnancy.

Related Act

PA 15-242 makes a technical correction to the provision requiring health care institutions to report CMV cases confirmed by the screening to DPH.

PA 15-11—sHB 5913

Public Health Committee

AN ACT CONCERNING PERSONS WHO DECONTAMINATE REUSABLE MEDICAL INSTRUMENTS OR DEVICES

SUMMARY: This act generally requires anyone who practices as a central service technician (CST) to be certified. It exempts from this requirement individuals who were employed or contracted for services as a CST in a health care facility before January 1, 2016, thus allowing them to continue practicing without certification. It also allows certain health-related professionals, students, and interns to perform CST tasks or functions without certification.

Under the act, a CST is someone who decontaminates, inspects, assembles, packages, and sterilizes reusable medical instruments or devices in a health care facility whether employed by the facility or as a contractor. A health care facility means an outpatient surgical facility or a hospital other than a chronic disease hospital.

In addition, the act requires:

1. CSTs, as well as individuals who have been deemed competent to perform CST functions, to take 10 hours of continuing education annually and
2. health care facilities that employ or contract CSTs to (a) upon a CST's written request, verify in writing a CST's employment dates or the contract period he or she provided health care services and (b) submit documentation to the Department of Public Health, upon the department's request (including during an inspection), demonstrating a CST is in compliance with the act's requirements.

The act does not set penalties for CSTs or facilities that violate its provisions.

EFFECTIVE DATE: January 1, 2016

CERTIFICATION REQUIREMENTS

Subject to certain exceptions, the act prohibits individuals from practicing as CSTs unless they:

1. pass a nationally accredited central service exam for CSTs and maintain a credential as a certified (a) registered CST, administered by the International Association of Healthcare Central Service Materiel Management (IAHCSMM) or (b) sterile processing and distribution technician, administered by the Certification Board for Sterile Processing and Distribution, Inc. (CBSPD);
2. obtain a IAHCSMM or CBSPD credential within two years after being hired or contracted for services; or
3. were employed or contracted for services as a CST in a health care facility before January 1, 2016.

Exceptions

The act allows the following people to perform CST tasks or functions without certification:

1. licensed health care providers;
2. students or interns performing CST functions under a health care provider's direct supervision as part of their training or internship; or
3. those who do not work in a health care facility's central service department, but who (a) have been specially trained and determined competent to decontaminate or sterilize reusable medical equipment, instruments, or devices meeting applicable manufacturer's instructions and standards based on the health care facility's infection prevention or control committee standards and (b) act in consultation with a certified CST.

The act requires health care facilities to retain a list of these individuals, including their job titles.

Under the act, a "central service department" is the health care facility department that processes, issues, and controls medical supplies, devices, and equipment for patient care.

CONTINUING EDUCATION

The act requires a CST to complete at least 10 hours of continuing education annually in areas related to CST functions. A non-CST deemed competent to perform CST functions must complete at least 10 hours of continuing education annually in areas related to infection control and the decontamination and

sterilization of reusable medical equipment, instruments, and devices.

PA 15-34—SB 856

Public Health Committee

AN ACT CONCERNING LANGUAGE INTERPRETERS IN HOSPITALS

SUMMARY: This act requires acute care hospitals to ensure that interpreter services are available to non-English speaking patients whose primary language is spoken by at least 5% of the population residing in the hospital's geographic service area. Prior law required hospitals to do so only to the extent possible.

By law, acute care hospitals must undertake a number of activities to ensure that patients who do not speak English have access to their services. Among other things, hospitals must (1) prepare and maintain a list of qualified interpreters, (2) post multilingual notices about interpreter availability, and (3) establish liaisons to the non-English speaking communities in their geographic service areas (CGS § 19a-490i).

EFFECTIVE DATE: October 1, 2015

PA 15-39—SB 258

Public Health Committee

AN ACT CONCERNING INFANT SAFE SLEEP PRACTICES

SUMMARY: This act requires hospitals, through their maternity programs, to provide newborn infants' parents or legal guardians with written information on the American Academy of Pediatrics' recommendations for safe sleep practices when the infants are discharged.

EFFECTIVE DATE: October 1, 2015

PA 15-49—sSB 998

Public Health Committee

General Law Committee

Judiciary Committee

AN ACT CONCERNING PRESCRIPTION DRUGS

SUMMARY: This act expands prohibitions concerning counterfeit drugs and devices to include knowingly dispensing, importing, or reimporting into the state such drugs or devices. The law already prohibits knowingly purchasing for resale, selling, offering for sale, or delivering these items.

By law, a “counterfeit drug or device” is a drug or device, or its container or label that, without authorization, (1) bears the trademark, trade name, or other identifying mark, imprint, number, or device (or their likenesses), of a manufacturer, distributor, or dispenser other than the person who manufactured, distributed, or dispensed the substance and (2) falsely claims or represents that the drug or substance was distributed by the other manufacturer, distributor, or dispenser.

The act subjects violators to both criminal and civil penalties, including, for each violation, a maximum (1) criminal fine of \$10,000, one year imprisonment, or both or (2) civil fine of \$1,000. It also allows the Department of Consumer Protection (DCP) commissioner to investigate and take various disciplinary actions (see BACKGROUND).

The act also provides that any prescribing practitioner who takes any of the act’s or the law’s prohibited actions is subject to certain Department of Public Health (DPH) disciplinary actions, including a maximum civil fine of \$25,000 (see BACKGROUND).
EFFECTIVE DATE: October 1, 2015

BACKGROUND

Disciplinary Actions

DCP. By law, the DCP commissioner can take the following actions, among others, against anyone who knowingly violates the counterfeit drug or device law:

1. suspend, revoke, refuse to renew, or place on probation a DCP license or registration;
2. issue a cease and desist order; or
3. issue a restitution order (CGS § 21a-90).

DPH. By law, DPH can take the following disciplinary actions, among others:

1. suspend or revoke the person’s DPH license or permit,
2. issue a letter of reprimand to or censure the person,
3. place him or her on probation, or
4. take summary action against the person’s DPH license or permit if he or she has been found guilty of a state or federal felony or is subject to disciplinary action in another jurisdiction (CGS § 19a-17).

PA 15-54—sHB 6815

Public Health Committee

AN ACT CONCERNING THE DEFINITION AND USE OF THE TERM "INTELLECTUAL DISABILITY"

SUMMARY: PAs 11-16 and 13-139 substituted the term “intellectual disability” for “mental retardation” in several statutes to reflect changes in federal law and the developmental disabilities community. This act makes conforming changes by:

1. replacing “mental retardation” with “intellectual disability” in a statute defining the term;
2. eliminating an obsolete provision that lists statutory references in which “intellectual disability” has the same meaning as “mental retardation;” and
3. expanding the definition’s application to all uses of “intellectual disability” throughout the statutes, except as otherwise provided.

Prior law defined “intellectual disability” as a significant limitation in intellectual functioning and deficits in adaptive behavior that began before a person reached age 18. The act specifies that the limitation must exist concurrently with the adaptive deficits.

Lastly, the act corrects an improper reference to federal regulations that define intermediate care facilities for individuals with intellectual disabilities.

EFFECTIVE DATE: Upon passage

PA 15-59—sSB 917

Public Health Committee

AN ACT CONCERNING SCHOOL-BASED HEALTH CENTERS

SUMMARY: This act establishes a statutory definition for a “school-based health center” (SBHC) and permits the Department of Public Health (DPH) to adopt regulations to establish minimum quality standards for these centers. Under the act, an SBHC:

1. is located in or on the grounds of a school facility of a school district, school board, Indian tribe, or tribal organization;
2. is organized through school, community, and health provider relationships;
3. is administered by a sponsoring facility (e.g., hospital, health department, community health center, or nonprofit health or human services agency); and
4. provides comprehensive on-site medical and behavioral health services to children and adolescents according to state and local law.

The act prohibits anyone from using the term SBHC to describe a facility or any words or abbreviations that may be reasonably confused with this term, unless the facility meets the act's definition.

Additionally, the act establishes a statutory definition for an "expanded school health site" and extends to these sites certain statutory provisions regarding SBHCs. Among other things, this means the (1) sites may receive DPH grants for community-based primary care providers, (2) SBHC Advisory Council must advise the DPH commissioner on matters related to the sites, and (3) sites are exempt from DPH's certificate of need requirements.

Under the act, an "expanded school health site" is defined the same way as an SBHC, except that the (1) term does not include health centers located in or on the grounds of an Indian tribe or tribal organization and (2) sites provide either medical or behavioral services, including dental services, counseling, health education, and screening and prevention services.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2015

PA 15-72—SB 193
Public Health Committee

AN ACT CONCERNING THE ADMINISTRATION OF HAIR FOLLICLE DRUG TESTING BY CLINICAL LABORATORIES

SUMMARY: This act requires a clinical laboratory to administer a hair follicle drug test if (1) the laboratory offers that test as a diagnostic testing service and (2) the test is ordered by a licensed physician, physician assistant, or advanced practice registered nurse.
EFFECTIVE DATE: October 1, 2015

PA 15-74—SB 991
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES

SUMMARY: This act allows all ordained or licensed clergy members, including those ordained online, to perform marriage ceremonies in Connecticut. It does this by eliminating the requirement that these individuals continue ministerial work. Prior law allowed ordained or licensed clergy members to perform the ceremonies, but only if they continued in the work of the ministry.

Existing law also allows the following judicial authorities to perform marriage ceremonies in Connecticut:

1. judges and retired judges, including out-of-state judges authorized to perform marriages in their jurisdictions and
2. Connecticut-appointed family support magistrates, state referees, and justices of the peace.

EFFECTIVE DATE: October 1, 2015

PA 15-83—sHB 6863
Public Health Committee
Public Safety and Security Committee

AN ACT CONCERNING THE ENFORCEMENT OF ORDINANCES

SUMMARY: Existing law allows local police officers and certain other law enforcement officers to pursue someone outside of their precincts into any part of the state while in immediate pursuit of someone the officers have authority to arrest. This act specifies that this does not apply if the person is alleged to have violated only a municipal ordinance.

The act applies to local police officers, the State Capitol Police, and certified constables and state marshals who perform law enforcement duties.
EFFECTIVE DATE: October 1, 2015

PA 15-88—sSB 467
Public Health Committee
Insurance and Real Estate Committee

AN ACT CONCERNING THE FACILITATION OF TELEHEALTH

SUMMARY: This act establishes requirements for health care providers who provide medical services through the use of "telehealth" as defined below. Among other things, a telehealth provider must obtain a patient's informed consent, at the first telehealth interaction, to provide telehealth services.

The act also requires certain health insurance policies to cover medical services provided through telehealth to the extent that they cover the services through in-person visits between an insured person and a health care provider.
EFFECTIVE DATE: October 1, 2015, except for the insurance coverage provisions, which are effective January 1, 2016.

TELEHEALTH PROVIDER REQUIREMENTS

Definitions

The act defines a “telehealth provider” as any of the following who provides health care services through the use of telehealth within his or her scope of practice and in accordance with the profession's standard of care: a licensed physician, advanced practice registered nurse, physician assistant, occupational or physical therapist, naturopath, chiropractor, optometrist, podiatrist, psychologist, marital and family therapist, clinical or master social worker, alcohol and drug counselor, professional counselor, or certified dietitian-nutritionist.

It defines “telehealth” as delivering health care services through information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's physical and mental health. It includes:

1. interaction between a patient at an originating site and the telehealth provider at a distant site and
2. synchronous (real-time) interactions, asynchronous store and forward transfers (transmitting medical information from the patient to the telehealth provider for review at a later time), or remote patient monitoring.

Telehealth does not include using fax, audio-only telephone, texting, or e-mail.

Requirements

Under the act, a telehealth provider can provide telehealth services to a patient only when the provider:

1. is communicating through real time, interactive, two-way communication technology or store and forward technologies;
2. has access to, or knowledge of, the patient's medical history, as provided by the patient, and the patient's health record, including the patient's primary care provider's name and address, if any;
3. gives the patient his or her provider license number and contact information; and
4. conforms to the standard of care for his or her profession and expected for in-person care as appropriate for the patient's age and presenting condition. But when the standard of care requires the use of diagnostic testing and a physical examination, the provider may perform the testing or examination through appropriate peripheral devices (i.e., instruments he or she uses to examine a patient).

The act requires a telehealth provider, at his or her first telehealth interaction with a patient, to (1) inform the patient about the treatment methods and limitations

of treating a person through telehealth and (2) obtain the patient's consent to provide telehealth services. The provider must document the notice and consent in the patient's health record.

Prohibitions

The act prohibits a telehealth provider from (1) prescribing schedule I, II, or III controlled substances through the use of telehealth or (2) charging a facility fee for telehealth services.

By law, a “facility fee” is any fee a hospital or health system charges or bills for outpatient hospital services provided in a hospital-based facility that is (1) intended to compensate the hospital or health system for its operational expenses and (2) separate and distinct from a professional fee, which is a fee charged or billed by a provider for professional medical services provided in a hospital-based facility.

Records and HIPAA Compliance

The act requires a telehealth provider, at each telehealth interaction with a patient, to obtain the patient's consent to provide records of the interaction to his or her primary care provider. If the patient consents, the records must be provided in a timely manner and in accordance with the standard access to health records law. Providers must maintain and disclose records of telehealth interactions and provide telehealth services in compliance with the federal Health Insurance Portability and Accountability Act (HIPAA).

Allowable Transactions

The act allows a licensed or certified health care provider to (1) provide on-call coverage for another provider, (2) consult with another provider about a patient's care, or (3) issue orders for hospital patients.

INSURANCE COVERAGE REQUIREMENTS

Coverage Required

The act requires certain health insurance policies to cover medical advice, diagnosis, care, or treatment provided through telehealth to the extent that they cover those services through in-person visits between an insured person and a health care provider. It subjects telehealth coverage to the same terms and conditions that apply to other benefits under the policy.

Under the act, insurers and related entities (e.g., HMOs) may conduct utilization review for telehealth services in the same manner it is conducted for in-person services, including using the same clinical review criteria.

Prohibitions

The act prohibits health insurance policies from:

1. excluding coverage solely because a service is provided through telehealth, provided telehealth is appropriate for the service or
2. having to reimburse a treating or consulting health care provider for any technical fees or costs associated with providing telehealth services.

Applicability

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including coverage provided to subscribers of a health care center (i.e., HMO). Under the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

PA 15-91—SB 855

Public Health Committee

AN ACT CONCERNING REPORTS OF NURSE STAFFING LEVELS

SUMMARY: This act requires hospitals to report annually to the Department of Public Health (DPH) on their prospective nurse staffing plans, rather than make the plans available to DPH upon request as prior law required. It expands, in two stages, the information that must be included in the plans, such as the (1) ratio of patients to certain nursing staff and (2) differences between the prospective staffing levels and actual levels.

The act requires the DPH commissioner to annually report, beginning by January 1, 2016, to the Public Health Committee on hospital compliance with nurse staffing plan reporting requirements and recommendations for any additional reporting requirements.

The act also requires certain health care employers to report to DPH annually, rather than upon the department's request, on the number of workplace violence incidents occurring on the employer's premises and the specific area or department where they occurred. The first report is due by January 1, 2016, and the reports must cover incidents occurring in the prior year.

For this purpose, a "health care employer" is any DPH-licensed institution (e.g., a hospital or nursing home) with at least 50 full- or part-time employees. It

includes (1) facilities that care for or treat people with substance abuse issues or mental illness, (2) Department of Developmental Services-licensed residential facilities for people with intellectual disability, and (3) community health centers.

EFFECTIVE DATE: July 1, 2015, except the workplace violence provisions are effective October 1, 2015.

PROSPECTIVE NURSE STAFFING PLANS

In addition to the information already required by law, the act requires hospital nurse staffing plans developed and implemented after January 1, 2016 to include:

1. the number of direct patient care staff in three categories (registered nurses, licensed practical nurses, and assistive personnel) and the ratio of patients to each category, reported by patient care units;
2. the hospital's method for determining and adjusting direct patient care staffing levels; and
3. a description of supporting personnel assisting on each patient care unit.

Under the act, plans developed and implemented after January 1, 2017 also must include (1) a description of any differences between the plan's staffing levels and actual staffing levels for each patient care unit and (2) the hospital's intended actions, if any, to address these differences or adjust staffing levels in future plans.

PA 15-110—sSB 253

Public Health Committee

Insurance and Real Estate Committee

AN ACT CONCERNING PAYMENT TO AN AMBULANCE SERVICE

SUMMARY: This act requires an ambulance service to make a good faith effort to determine whether a person has health insurance before attempting to collect payment from the person for services provided. If the ambulance service determines that the person is insured, the act prohibits the service from trying to collect payment, other than a coinsurance, copayment, or deductible, from the person for covered medical services, before receiving notice from the insurer that it is not paying for the services.

If the insurer has not paid for the service or provided notice that it declines to do so within 60 days after receiving the bill, the ambulance service may attempt to collect payment from the person.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Insurance Coverage of Ambulance Services

By law, health insurance policies must provide coverage for medically necessary ambulance services. A policy must at least cover such transportation to a hospital. Insurers are not required to provide ambulance benefits in excess of the maximum rates set by the Department of Public Health (CGS §§ 38a-498 and 38a-525).

PA 15-120—HB 6708

Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE MENTAL HEALTH AND ADDICTION STATUTES

SUMMARY: This act makes several changes in the Department of Mental Health and Addiction Services (DMHAS) statutes. It:

1. specifies that all private agencies treating psychiatric disabilities or substance abuse, regardless of whether they are state-funded, must comply with the commissioner's data collection requirements (§ 1);
2. authorizes the DMHAS commissioner to designate any employee, instead of only a deputy commissioner, to sign a contract, agreement, or settlement on the department's behalf (§ 2); and
3. repeals the commissioner's ability to appoint two deputy commissioners and a medical director but retains the provision allowing the commissioner to appoint any personnel necessary to carry out her duties (§§ 3-5).

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2015

DATA COLLECTION

By law, the DMHAS commissioner must specify uniform methods for keeping statistical information for public and private agencies, including a client identifier system. The act specifies that these methods apply to all public and private agencies that provide care or treatment for psychiatric disabilities or alcohol or drug abuse or dependence, including those agencies that are not state-operated or state-funded.

The act also specifies that the agencies or others involved in such treatment, and not the commissioner, must collect relevant statistical information and make it available. The act requires them to report the information to DMHAS in the form and manner the

commissioner prescribes and upon her request. By law, this information includes the number of people treated, demographic and clinical information, frequency of admission and readmission, frequency and duration of treatment, level of care provided, and discharge and referral information.

PA 15-125—HB 6796 (VETOED)

Public Health Committee

Appropriations Committee

AN ACT CONCERNING RECOMMENDATIONS OF THE SCHOOL NURSE ADVISORY COUNCIL

SUMMARY: This act generally requires each local or regional board of education to maintain a staffing ratio in its school district of at least one school nurse or nurse practitioner for every 750 students. It allows a school nurse or nurse practitioner to provide services to more than one board as long as the minimum staffing ratio is met. By law, boards of education must appoint at least one school nurse or nurse practitioner for their education districts.

The act allows a local or regional board of education to annually request from the State Department of Education (SDE) commissioner a waiver from the staffing ratio requirement. The commissioner may approve the request for one year if he determines that maintaining the staffing ratio would have an adverse impact on students when balanced against the school district's other needs.

Additionally, the act requires each school nurse or nurse practitioner to complete the school nurse orientation program offered by SDE and the Association of School Nurses of Connecticut within one year of being hired, unless he or she already completed the program.

Under the act, school nurses and nurse practitioners must also meet the educational requirements specified in regulations adopted by the State Board of Education (SBE), in consultation with the Department of Public Health. Existing law already requires them to be qualified under SBE regulations.

EFFECTIVE DATE: July 1, 2016

PA 15-132—sHB 7006

Public Health Committee

AN ACT CONCERNING BIRTH CERTIFICATE AMENDMENTS

SUMMARY: This act allows people who have undergone surgical, hormonal, or other clinically appropriate treatment for gender transition to change the

sex designation and name on their birth certificate. Previously, state regulations prohibited transgender people from doing so unless they (1) completed gender assignment surgery and (2) supplied an affidavit from a specified mental health professional attesting that they are socially, psychologically, and mentally the designated sex (Conn. Agency Regs. § 19a-41-9).

The act requires the public health commissioner to issue a new birth certificate to a transgender person who:

1. requests in writing, signed under penalty of law, a replacement birth certificate that reflects a gender different from the sex designated on their original birth certificate;
2. provides a notarized affidavit from a licensed physician, advanced practice registered nurse, or psychologist stating that he or she has undergone surgical, hormonal, or other clinically appropriate treatment for gender transition; and
3. provides, if applicable, proof of a legal name change.

The act also makes conforming changes to the statute allowing a probate court to decree that a state resident born in another jurisdiction has changed gender and that his or her birth certificate should be amended to reflect the change. The act requires the same written report and notarized affidavit described above. Prior law required the transgender person to submit an affidavit from a (1) physician stating that he or she physically changed gender and (2) psychologist, psychiatrist, or licensed clinical social worker stating that he or she socially and psychologically changed gender.

EFFECTIVE DATE: October 1, 2015

PA 15-140—sSB 590

Public Health Committee

AN ACT PERMITTING THE COMMERCIAL USE OF SOUS VIDE

SUMMARY: This act allows food service establishments (see BACKGROUND) to process food using the “sous vide” culinary technique if (1) the food will be consumed on the premises where it is processed and (2) there are at least two controls to prevent the formation and growth of bacteria that can cause food-borne illness, such as time, temperature, water activity, or acidity.

By October 1, 2016, the public health commissioner must, in consultation with the consumer protection commissioner, adopt regulations to implement the act.

The act defines “sous vide” as packaging in which raw or partially cooked food is vacuum packaged in an

impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of bacteria that can cause food-borne illness.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Food Service Establishments

Under the Public Health Code, a “food service establishment” is a place where food is prepared and intended for individual service, regardless of whether the consumption is on or off the premises or whether there is a charge for the food (Conn. Agencies Reg., § 19-13-B42(a)(7)).

PA 15-146—SB 811

Public Health Committee

Judiciary Committee

Appropriations Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING HOSPITALS, INSURERS AND HEALTH CARE CONSUMERS

SUMMARY: This act includes numerous provisions affecting hospitals and health systems, health care providers, and health carriers (e.g., insurers and HMOs), as described in the section-by-section analysis below.

With respect to hospitals and health systems, the act:

1. places certain limits on allowable facility fees for outpatient services;
2. adds to the factors that the Department of Public Health’s (DPH) Office of Health Care Access (OHCA) must consider when reviewing a certificate of need (CON) application for a hospital ownership transfer;
3. sets certain requirements when OHCA places conditions on its approval of a CON application involving a hospital ownership transfer;
4. requires OHCA to hire a post-transfer compliance reporter for three years after certain hospital ownership transfers are completed; and
5. requires OHCA to conduct a cost and market impact review for certain hospital ownership transfers that considers factors related to the transacting parties’ business and relative market positions.

Among other provisions concerning health care providers, the act (1) requires them to give patients notices of costs for nonemergency services in certain circumstances, (2) creates notice requirements when

providers refer a patient to an affiliated provider, and (3) expands what provider conduct constitutes an unfair trade practice.

Regarding health carriers, it requires them to (1) provide insureds notice about covered benefits, the network status of health care providers, and surprise bills and (2) bill insureds at the in-network level for services if the services were emergency in nature or resulted in a surprise bill. The act also requires the Connecticut Health Insurance Exchange (“Access Health CT”) to (1) encourage health carriers to offer plans with tiered networks and (2) offer those plans through the exchange.

The act requires each health carrier to maintain a website and toll-free telephone number allowing consumers to obtain information on in- and out-of-network costs. It also sets certain limits on the copayments insurers can collect for facility fees.

It requires Access Health CT, within available resources, to establish a consumer health information website with comparative price, quality, and related information.

It establishes a statewide health information exchange, to be overseen by the Department of Social Services (DSS), and sets deadlines for hospitals, clinical laboratories, and certain providers to connect to and participate in the exchange. Among other changes concerning health information technology, it establishes an advisory council to advise the DSS commissioner on various related matters.

Some of the act’s other changes include:

1. narrowing the current exemption from the CON requirement for a group practice of eight or more physicians transferring ownership to another group practice;
2. requiring the state’s Health Care Cabinet to study health care cost containment models in other states and report its findings and recommendations to the legislature by December 1, 2016;
3. requiring the insurance commissioner to convene a working group to study rising health care costs that includes the state comptroller, health care advocate, and DPH commissioner;
4. requiring DPH to report to the Public Health Committee on recommendations for eliminating CON approval requirements or creating an expedited approval process for certain health care facility transactions that currently require such approval;
5. requiring the chair of the Connecticut Health and Education Facilities Authority board of directors to study and report to the Public Health Committee on financing options for community hospitals to make certain improvements, such as purchasing medical

equipment or updating information technology; and

6. eliminating the CON requirement for the acquisition of certain replacement scanners.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various, see below.

§§ 1 & 2 — CONSUMER HEALTH INFORMATION WEBSITE

The act requires the Connecticut Health Insurance Exchange (“Access Health CT”), starting July 1, 2016 and within available resources, to establish and maintain a consumer health information website. The website must be designed to help consumers and institutional purchasers make informed decisions about health care and their choice of health care providers. It also must allow comparisons of health carrier reimbursement amounts to providers.

The website must present information in language and a format understandable to the average consumer. Access Health CT must publicize the website.

EFFECTIVE DATE: October 1, 2015

Website Contents

Under the act, the website must contain information comparing the quality, price, and cost of health care services. This must include, to the extent practicable:

1. comparative price and cost information for the primary diagnoses and procedures reported by the insurance and DPH commissioners (see below), categorized by payer and listed by provider;
2. links to the websites for The Joint Commission (see BACKGROUND) and Medicare hospital compare tool where consumers may obtain comparative quality information;
3. definitions of common health insurance and medical terms so consumers may compare health coverage and understand coverage terms;
4. factors consumers should consider when choosing an insurance product or provider group, including provider network, premium, cost-sharing, covered services, and tier information; and
5. patient decision aids.

(PA 15-242, § 58, removes the requirement that the website contain information on patient decision aids.)

The act allows Access Health CT to consider adding quality measures to the website as recommended by the State Innovation Model Initiative program management office.

Data Submission and Reporting Requirements

The act establishes data submission and reporting requirements to collect data for the consumer website. It requires Access Health CT to post all such information on the website. (PA 15-242, § 58, instead requires this posting to occur on a website Access Health CT establishes, in a manner and timeframe that is organizationally and financially reasonable, in its sole discretion.)

The act provides that all information Access Health CT collects, stores, and publishes under these provisions is subject to the federal Health Insurance Portability and Accountability Act (HIPAA).

Insurance and Public Health Commissioners. The act requires the insurance and DPH commissioners, by July 1, 2016 and annually after that, to jointly report to Access Health CT and make available on their departments' websites the following information on health procedures in the state, to the extent it is available:

1. the 50 most frequent inpatient primary diagnoses and procedures,
2. the 50 most frequent outpatient procedures,
3. the 25 most frequent surgical procedures, and
4. the 25 most frequent imaging procedures.

The lists may include bundled episodes of care (i.e., all health care services related to the treatment or a service category for that treatment). The lists may be compiled using discharge and claims data available to the departments.

The act allows Access Health CT to expand this requirement to include more admissions and procedures.

Health Carriers. Starting by January 1, 2017, the act requires health carriers to annually submit to Access Health CT, in a format it prescribes, a report listing, by provider:

1. the billed and allowed amounts (i.e., maximum reimbursements) paid to in-network providers for each diagnosis and procedure included in the commissioners' report described above and
2. out-of-pocket costs for each such diagnosis and procedure (i.e., unreimbursed costs such as deductibles, coinsurance, and copayments).

For this purpose, "health carriers" are insurers, HMOs, hospital or medical service corporations, fraternal benefit societies, or other entities delivering, issuing, renewing, amending, or continuing individual or group health insurance policies in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including coverage under an HMO plan.

DSS Commissioner. The act requires the DSS commissioner to submit to Access Health CT all Medicaid data it requests for the all-payer claims

database (APCD), which Access Health CT administers. The commissioner must do this for purposes of administering the state's Medicaid program and to the extent federal law allows.

§§ 2 & 3 — NOTICES TO PATIENTS

Providers: Nonemergency Care

Beginning January 1, 2016, the act requires all licensed health care providers, before any scheduled nonemergency admission, procedure, or service, to determine whether the patient is insured.

If the patient is uninsured or the provider is out-of-network, the provider must notify the patient in writing, electronically, or by mail, (1) of the charges for the admission, procedure, or service; (2) that the patient may be charged for unforeseen services that may arise, and is responsible for these charges; and (3) that if the provider is out-of-network, the admission, service, or procedure will likely be deemed out-of-network and applicable out-of-network rates may apply. The act specifies that these provisions do not prevent a provider from charging for such unforeseen services.

Hospitals: Nonemergency Procedures Listed in Commissioners' Report

Under the act, beginning January 1, 2017, hospitals must notify patients at the time they schedule a nonemergency diagnosis or procedure included in the DPH and insurance commissioners' report described above (e.g., the 50 most frequent outpatient procedures) of their right to request related cost and quality information.

If a patient requests a diagnosis or procedure listed in the report, the hospital must provide written notice to the patient within three business days after scheduling the diagnosis or procedure, with the following information:

1. for uninsured patients, (a) the amount to be charged if all charges are paid in full without a third party paying any portion, including any facility fee, or (b) if the hospital cannot predict the specific treatment or diagnostic code and is thus unable to provide a specific amount to be charged, the estimated maximum allowed amount or charge, including any facility fee;
2. the Medicare reimbursement amount;
3. for insured patients, (a) the allowed amount and (b) toll-free telephone number and website of the patient's health carrier where the patient can obtain information on charges and out-of-pocket costs;
4. The Joint Commission's composite accountability rating and the Medicare hospital

compare star rating for the hospital, as applicable; and

5. the websites for The Joint Commission and the Medicare Hospital Compare tool where the patient may obtain information on the hospital.

The notice may be provided electronically or by mail.

If the patient is insured and the hospital is out-of-network, the notice must state that the diagnosis or procedure likely will be deemed out-of-network and applicable out-of-network rates may apply.

Plain Language on Notices, Bills, and Benefit Statements

The act requires providers and carriers to ensure that any notice, billing statement, or explanation of benefits they submit to a patient or insured is written in language an average reader can understand.

EFFECTIVE DATE: October 1, 2015

§ 4 – DISCLOSURE OF ALLOWED AMOUNTS AND RELATED INFORMATION

On and after January 1, 2016, the act prohibits contracts between providers and carriers from restricting the disclosure of (1) billed or allowed amounts, reimbursement rates, or out-of-pocket costs or (2) any data to the APCD for the purpose of helping consumers and institutional purchasers make informed decisions regarding their health care and informed choices among providers, and allowing comparisons between prices paid by various carriers to providers.

EFFECTIVE DATE: October 1, 2015

§ 5 – CARRIER COSTS, WEBSITE, AND INFORMATION

On and after July 1, 2016, the act requires each health carrier to maintain a website and toll-free telephone number that allow consumers to request and obtain information on in-network and out-of-network costs for health care procedures, services, and inpatient admissions.

The in-network information must include:

1. the allowed amount for at least the admissions and procedures reported to the exchange under the act, for each provider in the state;
2. the estimated out-of-pocket costs that the consumer would be responsible for paying for these admissions or procedures that are medically necessary; and
3. data or other information on (a) quality measures for the provider; (b) patient satisfaction, if this information is available; (c) a list of in-network providers; (d) whether a

provider is accepting new patients; and (e) languages spoken by providers.

The act requires carriers to advise consumers, when providing information on out-of-pocket costs, that the amounts are estimates and the consumer's actual cost may vary due to (1) provider contractual changes, (2) the need for unforeseen services, or (3) other circumstances.

EFFECTIVE DATE: October 1, 2015

§ 6 – NOTICE WHEN PROVIDER STOPS ACCEPTING INSURER; PROVIDER DIRECTORY

The act requires providers to send written notice to the applicable carrier within 30 days after they stop accepting patients enrolled in an insurance plan.

It also requires carriers to update their provider directories, at least monthly.

EFFECTIVE DATE: October 1, 2015

§ 7 – CARRIERS TO PROVIDE CONSUMERS INFORMATION

The act requires health carriers to disclose specified information to consumers at enrollment and post the information on their websites. The carriers must disclose the following for each applicable health insurance policy, in an easily readable and understandable format:

1. any coverage exclusions;
2. any restrictions on the use or quantity of a covered benefit, including prescription drugs;
3. a description of the deductible and other out-of-pocket expenses that apply to prescription drugs; and
4. the applicable copayment and coinsurance percentage for each covered benefit, including each covered prescription drug.

In addition, the carriers must give consumers a way to accurately determine:

1. whether a prescription drug is covered under the policy's drug formulary (i.e., list of covered drugs);
2. the coinsurance, copayment, deductible, or other out-of-pocket expense applicable to a prescription drug;
3. whether a prescription drug is covered when a physician or clinic dispenses it;
4. whether a prescription drug requires preauthorization or the use of step therapy (i.e., a protocol establishing the sequence for prescribing drugs for a specific medical condition); and
5. whether specific health care providers, hospitals, or types of specialists are in the policy's provider network.

The act requires Access Health CT to post links on its website to the carriers' information for each qualified health plan offered or sold through the exchange. It also requires the insurance commissioner to post links on the Insurance Department's website to any online tools or calculators available to help consumers compare and evaluate health insurance policies and plans. By law, the department must already post certain tools on its website, including the annual *Consumer Report Card on Health Insurance Carriers in Connecticut*.

EFFECTIVE DATE: January 1, 2016

§ 8 – INSURANCE COMMISSIONER TO EVALUATE COMPLIANCE WITH THE AFFORDABLE CARE ACT

The act requires the insurance commissioner to, within available appropriations, (1) evaluate health insurers', HMOs', fraternal benefit societies', and hospital and medical service corporations' compliance with the federal Affordable Care Act (ACA) and (2) report her findings annually to the Insurance and Real Estate Committee on her findings. It requires the carriers to give the commissioner, upon request, the following information for a specific health insurance policy or plan:

1. the benefits covered under each category of the essential health benefits package, as defined by the U.S. Health and Human Services secretary;
2. any coverage exclusions or restrictions on covered benefits, including prescription drug benefits;
3. any prescription drug formulary used, the tier structure of the formulary (tiers generally relate to the applicable copayments), and a list of each covered prescription drug and its tier placement;
4. the applicable coinsurance, copayment, deductible, or other out-of-pocket expense for each covered benefit; and
5. any other information the commissioner deems necessary to evaluate the entity's ACA compliance.

By law, the commissioner may adopt regulations to implement these provisions.

EFFECTIVE DATE: July 1, 2016

§§ 9-12 – BILLS FOR EMERGENCY SERVICES, SURPRISE BILLS, AND UNFAIR BILLING PRACTICES

§ 9 – *Emergency Services*

The act prohibits health carriers from requiring prior authorization for emergency services. It also prohibits health carriers from charging an insured a

coinsurance, copayment, deductible, or other out-of-pocket expense for emergency services performed by an out-of-network health care provider that is greater than that charged when performed by an in-network provider.

The act requires health carriers to reimburse out-of-network providers who perform emergency services for insureds the greatest of the: (1) amount the health care plan would pay if the services were rendered by an in-network provider; (2) usual, customary, and reasonable rate; or (3) amount Medicare reimburses for those services. A health carrier and an out-of-network provider may agree to a greater reimbursement amount. The health care provider may bill the carrier directly.

Under the act, "usual, customary, and reasonable rate" means the 80th percentile of all charges for the service performed by a health care provider in the same or similar specialty and provided in the same geographical area, as reported in a benchmarking database maintained by a nonprofit organization specified by the Insurance Commissioner. That organization must not be affiliated with a health carrier.

As used in this section, "health carriers" include health insurers, HMOs, fraternal benefit societies, hospital and medical service corporations, and other entities that issue health care plans in Connecticut. "Emergency services" are medical screenings to evaluate an emergency condition and examinations and treatment to stabilize the patient.

§§ 9 & 10 – *Network Status Notification*

The act requires each health carrier to tell a covered person or his or her health care professional, when the person or professional requests a prospective or concurrent benefit review:

1. the professional's network status under the person's health benefit plan;
2. the estimated amount the health carrier will reimburse the professional; and
3. how that amount compares to the usual, customary, and reasonable charge, as determined by the federal Center for Medicare and Medicaid Services.

Under the act, if an out-of-network provider renders services to an insured and the health carrier did not inform the insured of the provider's network status, the health carrier is prohibited from imposing a coinsurance, copayment, deductible, or other out-of-pocket expense that is more than what would be imposed if an in-network provider rendered services.

§§ 9 & 10 – *Surprise Bills*

Under the act, if an insured receives a surprise bill, the insured is only required to pay the coinsurance, copayment, deductible, or other out-of-pocket expense

that would apply if the services had been rendered by an in-network provider. A health carrier must reimburse an out-of-network provider or insured, as applicable, for the services at the in-network rate under the plan as payment in full, unless the carrier and provider agree otherwise.

The act requires a health carrier to include a description of what constitutes a surprise bill (1) in the insurance policy, certificate of coverage, or handbook given to a covered person and (2) prominently on its website.

Under the act, a “surprise bill” is a bill for non-emergency health care services received by an insured for services rendered by an out-of-network provider at an in-network facility during a service or procedure that was performed by an in-network provider or previously approved by the health carrier, and the insured did not knowingly elect to receive the services from the out-of-network provider. A bill is not a surprise bill if an in-network provider is available but an insured knowingly elects to receive services from an out-of-network provider.

§§ 11 & 12 — *Unfair Billing Practices by Health Care Providers*

The act expands what constitutes an unfair trade practice by a health care provider (CUTPA, see BACKGROUND). Under prior law, it was an unfair trade practice for a health care provider to request payment from a managed care plan enrollee for covered services, except for a copayment or deductible.

The act instead makes it an unfair trade practice for a health care provider to request payment from a health care plan enrollee, except for a copayment, deductible, coinsurance, or other out-of-pocket expense, for:

1. covered health care services or facility fees,
2. covered emergency services rendered by an out-of-network provider, or
3. a surprise bill.

The act also makes it an unfair trade practice for a health care provider to report to a credit reporting agency an enrollee’s failure to pay a bill for the above listed items when a health carrier has primary responsibility for paying. Under prior law, it was an unfair trade practice to report to a credit reporting agency an enrollee’s failure to pay a bill for medical services that a managed care organization had primary responsibility for paying.

The act requires contracts between HMOs and participating providers to reflect what constitutes an unfair trade practice, as described above. It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2016

§§ 13 & 14 — FACILITY FEES

Limits on Allowable Fees

By law, a “facility fee” is any fee a hospital or health system charges or bills for outpatient hospital services provided in a hospital-based facility that is (1) intended to compensate the hospital or health system for its operational expenses and (2) separate and distinct from the provider’s professional fee.

On and after January 1, 2017, the act places certain limits on facility fees collected by hospitals, health systems, and hospital-based facilities. It prohibits them from collecting a facility fee for outpatient services that (1) use a current procedural terminology evaluation and management code and (2) are provided at a hospital-based facility, other than a hospital emergency department, that is not on a hospital campus. It prohibits them from collecting a facility fee from uninsured patients for outpatient services, other than those provided in off-site emergency departments, that exceeds the Medicare facility fee rate. A violation is an unfair trade practice.

If an insurance contract in effect on July 1, 2016 provides reimbursement for facility fees that are prohibited by these provisions, the hospital or health system may continue to collect reimbursement from insurers for these fees until the contract expires.

Billing Statement Notice

Beginning January 1, 2016, the act requires each billing statement that includes a facility fee to:

1. clearly identify the fee as a facility fee that is in addition to, or separate from, the provider’s professional fee, if any;
2. provide the comparable Medicare facility fee reimbursement rate for the same service;
3. include a statement that the fee is intended to cover the hospital’s or health system’s operational expenses;
4. inform the patient that his or her financial liability might have been less if the services had been provided at a facility not owned or operated by the hospital or health system; and
5. include notice of the patient’s right to request a reduction in the facility fee, or any portion of the bill, and a telephone number that the patient may use to make this request.

These requirements do not apply to billing statements for Medicare or Medicaid patients or those receiving services under a workers’ compensation plan.

Notice of Transaction Resulting in Hospital-Based Facility; Stay on Collecting Facility Fees

Under the act, on and after January 1, 2016, if a transaction materially changes the business or corporate structure of a physician group practice and establishes a hospital-based facility at which facility fees will likely be billed, the hospital or health system purchasing the practice must notify each patient the practice served in the previous three years. The purchaser must send the notice by first class mail, within 30 days after the transaction.

The notice must include the following:

1. a statement that the purchased facility is now a hospital-based facility and is part of a hospital or health system;
2. the purchaser's name, business address, and telephone number;
3. a statement that the hospital-based facility bills, or is likely to bill, a facility fee that may be in addition to, and separate from, any provider professional fees;
4. a statement that the patient's actual financial liability will depend on the medical services provided him or her;
5. an explanation that the patient may incur greater financial liability than if the facility were not hospital-based;
6. the estimated facility fee amount or range of amounts the facility may bill or an example of the average facility fee it bills for its most common services; and
7. a statement that, before seeking services at the facility, an insured patient should contact his or her insurer for additional information on hospital-based facility fees, including any potential financial liability for the patient.

Some of these requirements are similar to existing notice requirements for facilities that already charge facility fees.

The purchaser also must provide a copy of this notice to OHCA, which must post a link to the notice on its website.

The act prohibits a hospital, health system, or hospital-based facility from collecting a facility fee for services provided at a purchased facility subject to these notice provisions from the transaction date until at least 30 days after the required notice is mailed to the patient or a copy is filed with OHCA, whichever is later. A violation is an unfair trade practice.

Form of Written Notices

Existing law sets certain notice requirements for hospitals or health systems that charge facility fees, and requires notices to patients to be in plain language and in a form reasonably understandable to someone

without special knowledge of these fees. The act extends this requirement to the (1) billing statement notice and notices following certain group practice acquisitions as described above and (2) other existing notice requirements (such as required signs in waiting rooms about potentially greater financial liability due to facility fees, compared to facilities that are not hospital-based).

Annual Reporting

Beginning by July 1, 2016, the act requires each hospital and health system to annually report to the DPH commissioner on the facility fees it charged or billed the prior year at hospital-based facilities outside a hospital campus. The commissioner must publish the reported information or post a link to the information on OHCA's website.

Each report must include:

1. the name and location of each such facility that the hospital or health system owns or operates and that provides services for which a facility fee is charged or billed;
2. the number of patient visits at each such facility for which it charged or billed a facility fee;
3. the number, total amount, and range of allowable facility fees paid at each facility by Medicare, Medicaid, and private insurance policies;
4. the amount of the hospital's or health system's facility fee revenue from these facilities, per facility and in the aggregate;
5. a description of the 10 procedures or services that generated the most facility fee revenue and the total revenue derived from these fees for each such procedure or service; and
6. the top 10 procedures for which facility fees are charged, based on patient volume.

Insurance Copayments and Deductibles

The act prohibits health insurers and similar entities that reimburse a hospital, health system, or hospital-based facility for facility fees for outpatient services provided off-site from a hospital campus from imposing a separate copayment for these fees. If an insured person has not satisfied his or her deductible, the hospital, health system, or hospital-based facility may not collect from the person a facility fee exceeding the agreed-upon reimbursement rate under that contract.

These provisions apply to health insurers, HMOs, or other entities delivering, issuing, renewing, amending, or continuing individual or group health insurance policies or health benefit plans on or after January 1, 2016, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical

expenses; and (4) hospital or medical services, including coverage under an HMO plan. The provisions apply to reimbursement agreements under contracts entered, renewed, or amended between these entities and a hospital, health system, or hospital-based facility on or after October 1, 2015. Due to the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: October 1, 2015

§ 15 – PATIENT NOTIFICATION OF AFFILIATED PROVIDERS

The act requires health care providers to give patients written notice when referring them to an affiliated provider. The notification must (1) inform them that they are not required to see the affiliated provider and they have the right to seek care from the provider of their choice and (2) provide the website and toll-free telephone number of their health carrier to obtain information regarding in-network health care providers and estimated out-of-pocket costs for the referred services.

The act applies to providers referring patients to an affiliated provider who is not a member of the same partnership, professional corporation, or limited liability company as the referring provider. “Affiliated” means a relationship between two or more health care providers that permits them to negotiate, jointly or as members of a health care provider group, with third parties over rates for professional medical services.

The act exempts health care providers who provide a substantially similar notice pursuant to federal law.

EFFECTIVE DATE: October 1, 2015

§ 16 – TIERED NETWORKS

The act requires Access Health CT to (1) encourage health carriers to offer tiered network plans and (2) offer any such plans through the exchange. A tiered network plan has different cost-sharing rates for different health care provider tiers, and rewards enrollees with lower copayments, deductibles, or out-of-pocket expenses for choosing providers in certain tiers.

EFFECTIVE DATE: October 1, 2015

§§ 17 & 18 – HEALTH CARE CABINET

The act renames the 28-member “Sustinet Health Care Cabinet” the “Health Care Cabinet” to conform to current practice and adds to its duties studying health care cost containment models in other states. It also makes related technical and conforming changes.

By law, the cabinet is within the Office of the Lieutenant Governor and advises the governor on the

development of an integrated health care system for Connecticut.

Health Cost Containment Model Study

The act requires the cabinet, within available appropriations, to study health care cost containment models in other states, including Maryland, Massachusetts, Oregon, Rhode Island, Vermont, and Washington. It must identify successful practices and programs that may be implemented in Connecticut to:

1. monitor and control health care costs,
2. enhance health care market competition,
3. promote the use of high-quality health care providers with low total medical expenses and prices,
4. improve health care cost and quality transparency,
5. increase cost effectiveness in the health care market, and
6. improve quality of care and health outcomes.

The cabinet must report to the legislature on the study by December 1, 2016. The report must include recommendations for administrative, regulatory, and policy changes that will provide a framework for:

1. monitoring and responding to health care cost growth on a provider and statewide basis that may include establishing statewide-, provider-, or service-specific benchmarks or limits;
2. identifying providers that exceed these benchmarks or limits; and
3. helping these providers meet the benchmarks or holding them accountable to such limits.

The recommendations must also include mechanisms to identify and mitigate factors contributing to health care price growth as well as price disparity between providers of similar services, including:

1. consolidation among providers of similar services,
2. vertical integration of providers of different services,
3. affiliations among providers that affect referral and utilization practices,
4. insurance contracting and reimbursement policies, and
5. government reimbursement policies and regulatory practices.

Additionally, the report must include recommendations on:

1. authority to implement and monitor delivery system reforms designed to promote value-based care and improved health outcomes;
2. developing and promoting insurance contracting standards and products that reward value-based care and promote the utilization of low-cost, high-quality providers; and

3. implementing other policies to (a) mitigate contributory factors to unnecessary health care cost growth and (b) promote high-quality, affordable care.

Under the act, any recommendations included in the report must, to the extent possible, (1) seek to limit any administrative burdens on providers and payers; (2) be consistent and integrated with existing regulatory practices; and (3) reduce or eliminate existing administrative, regulatory, and reporting requirements to improve the overall efficiency of the state's health care regulatory environment.

EFFECTIVE DATE: Upon passage, except the provisions making technical and conforming changes take effect July 1, 2015.

§ 19 – STUDY ON RISING HEALTH CARE COSTS

The act requires the insurance commissioner, within available appropriations, to convene a working group that includes the state comptroller, healthcare advocate, and public health commissioner. The working group must study rising health care costs, including:

1. increases in prices charged for health care services;
2. variation in provider charges;
3. the impact of these prices and variations on health insurance reimbursement rates; and
4. the impact of provider price variation on the state's health care spending as both a payer and provider of health care services, insurance premiums, and consumer out-of-pocket expenses.

Study Requirements

Under the act, the state officials must examine:

1. policies to (a) enhance health care market competition, fairness, and cost-effectiveness and (b) reduce disparities in provider charges and insurance reimbursement rates and
2. variations in (a) provider charges within similar provider groups and for services of comparable acuity, quality, and complexity and (b) the volume of care provided by those with low and high levels of relative provider charges or health status adjusted total medical expenses.

Additionally, they must examine the correlation between:

1. provider charges and (a) quality of care; (b) patient acuity; (c) payer mix; (d) unique services provided, including specialty teaching and community services; and (e) providers' operational costs, including administrative and management costs;

2. for hospitals, their charges and status as disproportionate share hospitals, specialty hospitals, pediatric specialty hospitals, or academic teaching hospitals;
3. provider charges and market share, horizontal consolidation and vertical integration, and referral policies and patterns; and
4. facility fees and total medical spending, consumer out-of-pocket expenses, and price variation for services of comparable acuity, quality, and complexity.

The act authorizes the state officials to hold informational hearings, consult with the attorney general, and solicit information from, and the participation of, parties likely affected by its study. Such parties include hospitals with a high proportion of Medicaid and Medicare reimbursements, primary care providers, community health centers, health insurers, third-party administrators, employers, Health Care Cost Containment Committee representatives, and organizations representing consumers and the uninsured.

Confidentiality

Under the act, the insurance commissioner may request relevant information and materials from health insurers, providers, or third-party administrators. Any information or materials they submit or disclose for the study are confidential and exempt from disclosure under the Freedom of Information Act (FOIA). But the act allows the state officials to disclose in the report data that (1) is not otherwise protected by law; (2) has identifying information removed; and (3) does not disclose the names of any health care provider, insurer, payer, or individual.

Report

The insurance commissioner must report to the legislature by January 1, 2016 on the study findings and legislative recommendations to (1) reduce variation in provider prices, (2) promote the use of high-quality health care providers with low total medical expenses and prices, and (3) mitigate the impact of facility fees on consumer out-of-pocket expenses and total medical spending.

Under the act, these recommendations may include (1) expanding or modifying the limitations on facility fees; (2) establishing a reasonable maximum provider price variation limit and statewide median rate for certain services and procedures; and (3) implementing site-neutral payment policies for the state employee health plan, state-administered programs, and the commercial insurance market.

EFFECTIVE DATE: July 1, 2015

§ 20 — HEALTH INFORMATION ACCESS AND BLOCKING

The act provides that electronic health records, to the fullest extent practicable, must (1) follow and be accessible to the patient and (2) be shared and exchanged in a timely manner with providers of the patient's choice.

The act makes "health information blocking" an unfair trade practice, and specifies that a hospital, health system, or seller of electronic health record systems that engages in health information blocking is subject to certain civil penalties under the unfair trade practices law. It defines health information blocking as knowingly:

1. interfering with, or engaging in business practices or other conduct reasonably likely to interfere with, the ability of patients, providers, or other authorized persons to access, exchange, or use electronic health records or
2. using an electronic health record system to both (a) steer patient referrals to affiliated providers and (b) prevent or unreasonably interfere with referrals to non-affiliated providers.

Health information blocking does not include legitimate referrals between providers participating in an accountable care organization or similar value-based collaborative care model.

For this purpose, an affiliated provider is one that is:

1. employed by a hospital or health system,
2. under a professional services agreement with a hospital or health system that allows the hospital or health system to bill on the provider's behalf, or
3. a clinical faculty member of a medical school that is affiliated with a hospital or health system in a manner that allows the hospital or health system to bill on the faculty member's behalf.

A seller of electronic health record systems is any person or entity that directly, or indirectly through an employee, agent, independent contractor, vendor, or other person, sells, leases, or offers to sell or lease such a system or a license or right to use such a system.

The act also makes it an unfair trade practice for a seller of an electronic health record system to make a false, misleading, or deceptive representation that such a system is certified by the federal Office of the National Coordinator for Health Information Technology.

In addition, the act provides that (1) the attorney general must enforce these provisions and (2) these provisions must not be construed as limiting the power or authority of the state, the attorney general, or the consumer protection commissioner to seek

administrative, legal, or equitable relief as provided by any state statute or the common law.

EFFECTIVE DATE: October 1, 2015

§§ 21 & 22 — STATEWIDE HEALTH INFORMATION EXCHANGE

§ 21— Overview and Goals

The act establishes a Statewide Health Information Exchange, and gives DSS administrative authority over it. The exchange's purposes include (1) empowering consumers to make effective health care decisions; (2) promoting patient-centered care; (3) improving health care quality, safety, and value; (4) reducing waste and duplication of services; (5) supporting clinical decision-making; (6) keeping confidential health information secure; and (7) making progress toward the state's public health goals.

Under the act, the exchange's goals include:

1. allowing real-time, secure access to patient health information and complete medical records across all provider settings;
2. providing patients with secure electronic access to their health information, and allowing them to access their own health information free of charge;
3. supporting care coordination through real-time alerts and timely access to clinical information;
4. reducing costs associated with preventable readmissions, duplicative testing, and medical errors;
5. promoting the highest level of interoperability;
6. meeting all state and federal privacy and security requirements;
7. supporting public health reporting, quality improvement, academic research, and health care delivery and payment reform through data aggregation and analytics;
8. supporting population health analytics;
9. being standards-based; and
10. providing for broad local governance that (a) is committed to the exchange's successful development and implementation and (b) includes stakeholders, including representatives of DSS, hospitals, physicians, behavioral health providers, long-term care providers, health insurers, employers, patients, and academic or medical research institutions.

The act requires all contracts and agreements entered into by the state, or on the state's behalf, on health information technology or the exchange of health information to (1) be consistent with these goals and (2) use contractors, vendors, and other partners with a demonstrated commitment to them.

§ 21 — *Request for Proposals (RFP)*

Except as noted below, the act requires the DSS commissioner, in consultation with the Office of Policy and Management (OPM) secretary and the State Health Information Technology Advisory Council (see § 25), to develop and issue an RFP for the exchange's development, management, and operation. The commissioner must do so when the state bond commission approves legislatively authorized bond funds to establish the exchange.

Under the act, the RFP must promote the reuse of all enterprise health information technology assets, such as the existing Provider Directory, Enterprise Master Person Index, Direct Secure Messaging Health Information Service provider infrastructure, analytic capabilities, and tools that currently exist in, or are in the process of being deployed to, Connecticut.

The RFP may require an applying organization to have at least three years' experience operating a (1) statewide health information exchange in another state or (2) regional exchange serving a population of at least one million. This other exchange must:

1. enable the exchange of patient health information among providers, patients, and other authorized users regardless of location, payment source, or technology;
2. include behavioral health and substance abuse treatment information, with proper consent;
3. support transitions of care and care coordination through real-time provider alerts and access to clinical information;
4. allow health information to follow each patient and patients to access and manage their health data; and
5. have successfully reduced costs associated with preventable readmissions, duplicative testing, or medical errors.

The RFP may also require the organization to (1) have a high level of transparency in its governance, decision-making, and operations; (2) be able to provide consulting to ensure effective governance; (3) be regulated or administratively overseen by a state agency; and (4) have enough staff and appropriate expertise and experience to carry out the exchange's administrative, operational, and financial responsibilities.

Exception to RFP Requirement. The act establishes a procedure for the DSS commissioner to enter into a contract to establish the exchange without issuing an RFP. To do so, by January 1, 2016, he must submit a plan to the OPM secretary to establish an exchange consistent with the provisions noted above on its goals and purposes. He must submit the plan in consultation with the State Health Information Technology Advisory Council established by the act.

If the OPM secretary approves the plan, the commissioner may implement the plan and enter into a contract or agreement to do so.

§ 22 — *Required Participation*

Under the act, within a year after the exchange's launch, each licensed hospital and clinical laboratory must (1) maintain an electronic health record system capable of connecting to and participating in the exchange and (2) apply to begin the process of connecting to and participating in it.

Within two years after the exchange's launch, each licensed health care provider with such a system capable of connecting to and participating in the exchange must apply to begin the process to do so.

EFFECTIVE DATE: Upon passage

§§ 23, 26, & 41 — STATEWIDE HEALTH INFORMATION TECHNOLOGY PLAN AND RELATED DSS RESPONSIBILITIES

Statewide Health Information Technology Plan and Data Standards

By law, the DSS commissioner must implement and periodically revise the statewide health information technology plan. In doing so, prior law required him to consult with DPH and the Department of Mental Health and Addiction Services (DMHAS). The act instead requires him to consult with the State Health Information Technology Advisory Council established by the act (see § 25 below; council members include the DPH and DMHAS commissioners or their designees).

The act makes various changes to the required components of the plan. It broadens the plan's applicability by requiring the plan to include electronic data standards to facilitate the development of a statewide, integrated electronic health information system for state-licensed providers and institutions, instead of just state-funded providers and institutions as under prior law. The act specifies that these must be national data standards that support secure data exchange for this purpose.

It requires the plan to enhance interoperability to support optimal health outcomes. It removes from the definition of "interoperability" the specific condition that connected users be able to demonstrate appropriate permissions to participate in instant transactions over the network.

The act eliminates the requirement that the plan include pilot programs for health information exchange and the projected costs and sources of funding for these programs.

It retains more specific data standards set out in existing law for state-funded providers and institutions.

Uniform Standards for Human Services Agencies

Existing law requires the DSS commissioner to develop, throughout several state agencies, uniform (1) management and statistical information, (2) terminology for similar facilities, (3) electronic health information technology standards, and (4) regulations for the licensing of human services facilities. The act adds the Department of Veterans' Affairs to the list of such agencies.

Other DSS Duties

Within existing resources, the act requires the DSS commissioner, in consultation with the State Health Information Technology Advisory Council, to:

1. oversee the development and implementation of the Statewide Health Information Exchange;
2. coordinate the state's health information technology and health information exchange efforts to ensure consistent and collaborative cross-agency planning and implementation; and
3. serve as the state liaison to, and collaborate with, the Statewide Health Information Exchange to ensure consistency between the plan and the exchange and to support the state's health information technology and exchange goals.

The act also requires the DSS commissioner, in consultation with the advisory council, to annually report to the Human Services and Public Health committees, with the first report due February 1, 2016.

He must report on:

1. the development and implementation of the statewide health information technology plan and data standards;
2. the establishment of the Statewide Health Information Exchange; and
3. recommendations for policy, regulatory, and legislative changes and other initiatives to promote the state's health information technology and exchange goals.

EFFECTIVE DATE: July 1, 2015, except a repealer and a conforming change are effective October 1, 2015.

§ 24 — HOSPITAL ELECTRONIC HEALTH RECORDS SYSTEMS

The act requires each licensed hospital, to the fullest extent practicable, to use its electronic health records system to enable bidirectional connectivity and the secure exchange of patient electronic health records between the hospital and any other licensed providers who:

1. have a system that can exchange these records, including at least laboratory and diagnostic tests, radiological and other diagnostic imaging, continuity of care documents, and discharge notifications and documents and
2. provide health care services to a patient whose records are being exchanged.

For this purpose, an exchange of records is secure if it complies with all state and federal privacy requirements, including HIPAA.

The act requires hospitals to use any hardware, software, bandwidth, or other program functions or settings already purchased or available to them to support this records and information exchange.

Under the act, a hospital is deemed to have satisfied these requirements if it connects to and actively participates in the Statewide Health Information Exchange.

The act specifies that the above provisions do not require a hospital to pay for any new or additional information technology, equipment, hardware, or software, including interfaces, when needed to enable this exchange.

The act also provides that a hospital's failure to take all reasonable steps to comply with these provisions constitutes evidence of health information blocking (see § 20).

EFFECTIVE DATE: October 1, 2015

§ 25 — STATE HEALTH INFORMATION TECHNOLOGY ADVISORY COUNCIL

Purpose

The act creates a 28-member State Health Information Technology Advisory Council. The council's purpose is to advise the DSS commissioner on:

1. developing priorities and policy recommendations to advance the state's health information technology and health information exchange efforts and goals;
2. developing and implementing the statewide health information technology plan and standards and the Statewide Health Information Exchange; and
3. developing appropriate governance, oversight, and accountability measures to ensure success in achieving the state's health information technology and exchange goals.

The council also reviews and comments on certain DSS federal grant applications (see below).

Membership and Procedure

The council’s membership includes the following individuals, or their designees:

1. the DSS, DMHAS, DPH, Children and Families, Correction, and Developmental Services commissioners;
2. the state’s Chief Information Officer;
3. the Connecticut Health Insurance Exchange’s chief executive officer;
4. the State Innovation Model Initiative program management office’s director;
5. the UConn Health Center’s chief information officer;
6. the Healthcare Advocate; and
7. the Senate president pro tempore, House speaker, and Senate and House minority leaders (their designees and appointees may be legislators).

The council also includes 13 appointed members, as shown in Table 1.

Table 1: Appointed Council Members

Appointing Authority	Member Qualifications
Governor	<ul style="list-style-type: none"> - a representative of a multi-hospital health system - a representative of the health insurance industry - an expert in health information technology - a health care consumer or consumer advocate - an employee or trustee of an employee benefit fund established under specified federal law (PA 15-242, § 59 specifies that this appointee may be a current or former employee or trustee)
Senate president pro tempore	<ul style="list-style-type: none"> - a representative of a federally qualified health center - a behavioral health services provider
House speaker	<ul style="list-style-type: none"> - a representative of an outpatient surgical facility - a home health care services provider
Senate majority leader	<ul style="list-style-type: none"> - a representative of an independent community hospital
House majority leader	<ul style="list-style-type: none"> - a physician who provides services in a multispecialty group and who is not employed by a hospital
Senate minority leader	<ul style="list-style-type: none"> - a primary care physician who provides services in a small independent practice
House minority leader	<ul style="list-style-type: none"> - an expert in health care analytics and quality analysis

Under the act, all council appointments must be made by August 1, 2015. The council has two chairpersons: the DSS commissioner and one the council elects who is not a state official. The members’ terms are coterminous with those of the appointing authority. The appropriate appointing authority fills any vacancies.

The DSS commissioner must schedule the first council meeting, to be held no later than September 1, 2015. The council must meet at least three times before January 1, 2016. A majority of the members constitutes a quorum.

The act provides that council members are not paid for their service, except for reimbursement for reasonable expenses incurred in performing their duties.

Review of DSS Federal Grant Applications

Under the act, before the DSS commissioner submits an application, proposal, planning document, or other request for federal grants, matching funds, or other federal support for health information technology or exchange, he must present the document to the council for review and comment.

EFFECTIVE DATE: July 1, 2015

§ 27 – HOSPITAL AFFILIATIONS AND GROUP MEDICAL PRACTICE TRANSACTIONS

Notification of Hospital Affiliations

The act requires the parties to a transaction that results in an affiliation between one hospital or hospital system and another hospital or hospital system to notify the attorney general in writing at least 30 days before the transaction takes effect. The notice must identify each party and describe the affiliation as of the notice date, including:

1. a description of the nature of the proposed relationship among the parties;
2. the names of the business entities that will provide services after the affiliation takes effect, including the addresses for each location where the services will be provided;
3. a description of the services to be provided at each location; and
4. the primary service area to be served by each location.

By law, an “affiliation” is a relationship between two or more entities that allows them to negotiate jointly with third parties over medical service rates.

Notification of Group Practice Transactions

By law, parties engaging in any transaction that materially changes a group practice must notify the attorney general in writing at least 30 days before the transaction’s effective date. The notice must describe the material change in a similar manner as required for hospital affiliations described above. The act requires the (1) parties to also notify the DPH commissioner in the same manner and (2) commissioner to post a link to the notice on the department’s website.

Report

Starting by December 31, 2015, the act requires each hospital and hospital system to annually file a written report with the attorney general and DPH commissioner describing its affiliation with any other hospital or hospital system. The report must include:

1. the names and addresses of each party to the affiliation;
2. a description of the nature of the relationship among the parties;
3. the names of the business entities that provide services as part of the affiliation, including the addresses for each location where services are provided;
4. a description of the services provided at each location; and
5. the primary service area to be served by each location.

Existing law already requires hospitals and hospital systems with affiliated group practices, and unaffiliated group practices of 30 or more physicians, to report annually to the attorney general and DPH commissioner in a similar manner.

EFFECTIVE DATE: October 1, 2015

§ 28 – CERTIFICATE OF NEED (CON) AND MEDICAID COST EFFECTIVENESS

Under the CON law, health care facilities must generally receive OHCA's approval when (1) establishing new facilities or services, (2) changing ownership, (3) acquiring certain equipment, or (4) terminating certain services.

By law, one factor OHCA must consider when evaluating a CON application is whether the applicant has satisfactorily shown how the proposal will improve the quality, accessibility, and cost effectiveness of health care delivery in the region. The act eliminates a requirement for this to include the impact on the cost effectiveness of providing access to Medicaid services.

EFFECTIVE DATE: July 1, 2015

§§ 28, 30-32, & 35 – CERTIFICATE OF NEED FOR HOSPITAL SALES

By law, hospital transfers of ownership are subject to CON review by OHCA. Transfers of non-profit hospitals to for-profit purchasers (i.e., "hospital conversions") are subject to an enhanced review process, requiring approval from both DPH and the attorney general. To start the conversion process, the parties must submit a CON determination letter, and to approve a conversion, the DPH commissioner must determine, among other things, that the transaction is justified under the CON law.

The act creates additional requirements for applications or determination letters filed after December 1, 2015 seeking CON approval to transfer ownership of a hospital (hereinafter, "hospital ownership transfer").

EFFECTIVE DATE: July 1, 2015

§§ 28 & 32 – Review Factors

The act adds to the factors that OHCA must consider when reviewing a CON application for a hospital ownership transfer, regardless of whether it is a hospital conversion. In addition to the existing factors, it requires OHCA to consider and make written findings on whether the:

1. applicant fairly considered alternative proposals or offers in light of maintaining provider diversity and consumer choice and access to affordable quality care for the "affected community" (i.e., a municipality where the hospital is located or whose inhabitants are regularly served by the hospital) and
2. service delivery plan the applicant submitted (see § 30 below) shows, in a manner consistent with the OHCA statutes, how the new hospital will provide health care services for the first three years after the ownership transfer, including any new services or consolidation, reduction, elimination, or expansion of existing services.

Prior law required the DPH commissioner to deny a hospital conversion application unless she found, among other things, that the affected community would be assured of continued access to high quality affordable health care after accounting for any proposed change affecting hospital staffing. The act instead requires OHCA to deny a CON application for any hospital ownership transfer (not just a conversion) unless the commissioner makes this finding.

The act also allows OHCA to deny a CON application for a hospital ownership transfer subject to a cost and market impact review (see below) if the commissioner finds that:

1. the affected community will not be assured of continued access to high quality affordable care after accounting for any consolidation in the hospital and health care market that may reduce provider diversity, consumer choice, and access to care and
2. any likely increases in the prices for health care or total health care spending in the state may negatively impact care affordability.

§§ 28 & 35 — *Conditions on Approval*

The act allows OHCA to place conditions on the approval of a CON application involving a hospital ownership transfer, consistent with the OHCA law. Before doing so, OHCA must weigh the conditions' value in promoting the law's purposes against the conditions' individual and cumulative burden on the parties and the "new hospital" (the hospital after the ownership transfer). Each condition must be reasonably tailored in time and scope.

The act:

1. requires OHCA to include a concise statement of the legal and factual basis for each condition and refer to the provision it is intended to promote and
2. gives the parties or the new hospital the right to request from OHCA an amendment to, or relief from, any condition based on changed circumstances, hardship, or other good cause.

By law, the DPH commissioner and attorney general, when approving an application under the hospital conversion law, may place any conditions on their approval that relate to the law's purposes. The act specifies that any such conditions may be in addition to any set by OHCA under the CON law. It also requires any conditions the commissioner imposes under the conversion law to meet the act's guidelines and above criteria that apply to conditions under the CON law.

§ 30 — *Additional Information with Application*

For CON applications involving hospital ownership transfers as described above, the act requires the applicant to submit a plan demonstrating how the new hospital will provide health care services for the first three years after the ownership transfer, including any new services or consolidation, reduction, elimination, or expansion of existing services.

The act also requires the applicant to submit, for both the hospital and purchaser:

1. the names of their current officers, directors, board members, and senior managers (regardless of whether they will hold a position at the hospital after the transaction) and
2. any salary, severance, stock offering, or other current or deferred financial gain these individuals are expected to receive due to the transaction or in relation to it.

If the applicant fails to submit any such information within 60 days of OHCA's request, OHCA must consider the application withdrawn.

§§ 30 & 31 — *Public Hearing Requirement*

For most CON applications, existing law requires OHCA to hold a public hearing on written request of

three or more people or an individual representing an entity with five or more people; otherwise, OHCA has discretion on whether to hold a hearing. For CON applications seeking a hospital ownership transfer, the act instead makes a public hearing mandatory. The hearing must be held in the municipality where the hospital is located.

For hospital conversions, existing law requires the purchaser and hospital to hold a hearing on the CON determination letter that they must submit to begin the review process. Under the act, a public hearing OHCA holds on the CON application satisfies this requirement. By law, the attorney general and DPH commissioner must also hold an additional public hearing later in the process (CGS § 19a-486e).

§ 28 — POST-TRANSFER COMPLIANCE REPORTER

Duties

Under the act, if OHCA approves a CON for certain hospital ownership transfers, it must hire an independent consultant to serve as a post-transfer compliance reporter for three years following completion of the transfer. OHCA must do this if the (1) CON determination letter or application is filed after December 1, 2015 and (2) purchaser is an in- or out-of-state hospital or a hospital system that (a) had net patient revenue exceeding \$1.5 billion for fiscal year 2013 or (b) is organized or operated for profit.

The reporter must, at least quarterly:

1. meet with representatives of the purchaser, new hospital, and members of the affected community and
2. report to OHCA on (a) the purchaser's and new hospital representative's efforts to comply with any conditions OHCA placed on the CON approval and its plans for future compliance and (b) community benefits and uncompensated care the new hospital provided.

The act requires the purchaser to provide the reporter access to its records and facilities so that the reporter may carry out his or her duties.

Public Hearing

The act requires the purchaser to hold a public hearing at least annually during the reporting period in the municipality where the new hospital is located to allow the public to review and comment on the reporter's reports and findings.

Performance Improvement Plan

If the reporter determines that the purchaser has breached a condition of the CON approval, the act

allows OHCA to implement a performance improvement plan to (1) remedy the conditions the reporter identifies and (2) extend the reporting period for up to one year after OHCA determines that these conditions have been resolved.

The office must implement the plan in consultation with the purchaser, reporter, and other interested parties it deems appropriate.

Cost

The act requires the purchaser to pay the cost of hiring the reporter in an amount OHCA determines, up to \$200,000 annually.

EFFECTIVE DATE: July 1, 2015

§§ 29 & 35 — COST AND MARKET IMPACT REVIEW

The act requires OHCA to conduct a cost and market impact review (CMIR) of CON applications that propose to transfer a hospital's ownership, if the purchaser is (1) an in- or out-of-state hospital or a hospital system that had net patient revenue exceeding \$1.5 billion for fiscal year 2013 or (2) organized or operated for profit.

Notice Requirements

The act requires OHCA to initiate a CMIR by notifying the transacting parties within 21 days after receiving a properly filed CON application. The notice must include a (1) description of the basis for the CMIR and (2) request for information and documents.

Within 30 days after receiving the notice, the transacting parties must submit a written response to OHCA that includes any information or documents OHCA requested concerning the ownership transfer.

Investigative Powers

The act allows OHCA to conduct any inquiry, investigation, or hearing needed to complete a CMIR. This includes issuing subpoenas; requiring the production of books, records or documents; administering oaths; and taking testimony under oath. If a person disobeys a subpoena or refuses to answer a pertinent question or produce a requested document, the DPH commissioner or her agent may apply to Superior Court for compliance.

Confidentiality

Under the act, all nonpublic information and documents OHCA obtains while conducting the CMIR are confidential and exempt from disclosure under FOIA. OHCA cannot disclose the information or documents without the consent of the person who

produced them, except in a preliminary or final report if OHCA:

1. believes disclosure is in the public interest and
2. takes into account privacy, trade secret, or anti-competitive considerations.

CMIR Factors

The act requires the CMIR to examine factors related to the transacting parties' businesses and relative market positions, including such things as the transacting parties':

1. size and market share within their (a) primary service areas, by major service category and (b) dispersed service areas;
2. prices for services, including their relative prices compared to other health care providers for the same services in the same market;
3. health status adjusted total medical expense, including a comparison to similar health care providers;
4. service quality, including patient experience;
5. cost and cost trends compared to statewide total health care expenditures;
6. methods used to attract patient volume and recruit or acquire health care professionals or facilities;
7. individual roles in serving at-risk, underserved, and government-payer populations, including those with behavioral, substance use disorder, and mental health conditions within their primary and dispersed service areas; and
8. individual roles in providing low or negative margin services within their primary and dispersed service areas.

The CMIR must also examine:

1. availability and accessibility of services similar to those each transacting party provides, or proposes to provide, within their primary and dispersed service areas;
2. the proposed ownership transfer's impact on competing options for health care services delivery in each transacting party's primary and dispersed service areas, including the impact on existing providers;
3. consumer concerns, including complaints or other allegations that a transacting party engaged in unfair methods of competition or unfair or deceptive acts or practices; and
4. any other factors OHCA determines to be in the public interest.

Preliminary Report

The act requires OHCA to make factual findings and issue a preliminary CMIR report (1) within 90 days after it determines that the transacting parties

substantially complied with any request for information or documents or (2) by a later date mutually agreed to by OHCA and the transacting parties.

The preliminary report must at least indicate whether a transacting party currently or, after the proposed ownership transfer, will likely:

1. have a dominant market share for the services it provides and
2. (a) charge prices for services that are materially higher than the median prices charged by all other providers of the same services in the same market or (b) has a health status adjusted total medical expense that is materially higher than the median total medical expense for all other providers of the same service in the same market.

The act permits the transacting parties to respond in writing to the preliminary report within 30 days after it is issued.

Final Report

The act requires OHCA to issue its final CMIR within 60 days after issuing the preliminary report. OHCA must refer the final report to the attorney general if the proposed ownership transfer meets the preliminary report criteria on market share, cost, and expense listed above. The attorney general may then investigate whether the transacting parties engaged in or, after the proposed ownership transfer, are expected to engage in (1) unfair methods of competition, (2) anti-competitive behavior, or (3) other conduct that violates CUTPA or any other state or federal law.

The attorney general may take appropriate legal action to protect consumers in the health care market. Under the act, the final report may be evidence in any such action.

The act subjects the transacting parties to direct enforcement of CUTPA by the attorney general. It specifies that it does not modify, impair, or supersede any state antitrust law or limit the attorney general's authority to (1) take any legally authorized action against a transacting party or (2) protect health care market consumers under any law.

Prohibition on Ownership Transfers

The act specifies that the CMIR requirements cannot prohibit a hospital ownership transfer, but the proposed transfer must not be completed:

1. less than 30 days after OHCA issues a final CMIR report, if the CMIR is required or
2. before the court issues a final judgment on any pending legal action brought by the attorney general relating to unfair trade practices, antitrust, or unfair competition.

Hospital Conversion Decision Timeframe

By law, the attorney general and DPH commissioner must decide on a hospital conversion application within 120 days after it is complete, unless the deadline is extended by mutual agreement or tolled for certain legal action. The act also allows the commissioner to extend the deadline for an additional 120 days pending completion of the CMIR.

Independent Consultant

The act requires OHCA to hire an independent consultant to conduct the CMIR. The consultant must have expertise in the economic analysis of the health care market and health care costs and prices. OHCA must submit the bills for the consultant's services to the hospital purchaser who must pay the bills, up to \$200,000 per application, within 30 days after receiving them.

The act specifies that any agreement executed for independent consultant services is not subject to state laws on (1) the department of administrative services, (2) consultant and personal service agreements, and (3) methods for awarding state contracts.

Additionally, it prohibits an OHCA employee who directly oversees or assists in conducting a CMIR from participating in factual deliberations or issuing a preliminary or final decision on a CON application for a hospital ownership transfer that is the subject of the CMIR.

Regulations

The act requires the DPH commissioner to adopt regulations on CMIRs including definitions of (1) "dispersed service area," (2) "health status adjusted total medical expense," (3) "major service category," (4) "relative prices," (5) "total health care spending," and (6) "health care services."

The commissioner may implement policies and procedures while adopting them in regulation, if she publishes notice on the DPH website and eRegulations system within 20 days after implementation. The policies and procedures are valid until the regulations take effect.

EFFECTIVE DATE: July 1, 2015

§ 34 — DPH REPORT ON CON REQUIREMENTS

The act requires the DPH commissioner, by January 1, 2016 and within available appropriations, to report to the Public Health Committee on OHCA's CON requirements for health care facilities. The report must include recommendations to eliminate CON approval requirements or create an expedited approval process for certain services, equipment purchases,

ownership transfers, or other matters that currently require CON approval, including:

1. ancillary capital spending not related to direct patient care or services;
2. replacing outdated or damaged equipment that was originally purchased with OHCA's approval;
3. repairing facilities damaged by floods, storms, or other unexpected occurrences; and
4. facility improvements needed to comply with building codes or other legal requirements.

Additionally, the report must include recommendations on an expedited automatic approval of certain CON applications if OHCA fails to notify the applicant within 30 days of its intent to review the application.

EFFECTIVE DATE: July 1, 2015

§ 38 — STUDY ON FINANCING OPTIONS FOR HOSPITAL IMPROVEMENTS

The act requires the chairperson of the Connecticut Health and Education Facilities Authority (CHEFA) board, in consultation with the economic and community development commissioner and OHCA, to study financing options for community hospitals to purchase medical equipment; update information technology; renovate, purchase, or build new health care facilities; and engage in other activities to:

1. improve community hospitals' ability to effectively serve the community, including (a) enhancing care coordination, (b) advancing integrated health services, (c) promoting evidence-based care practices and efficient health care delivery, and (d) providing culturally and linguistically appropriate services to the community;
2. advance hospitals' adoption of health information technology, including interoperable electronic health records systems and clinical support tools;
3. help hospitals and other providers to electronically exchange health information to ensure continuity of care among all providers;
4. support infrastructure investments in health care facilities necessary for (a) transitioning to alternative payment methods, including investments in data analysis functions and performance management programs to promote price transparency for health care services and (b) aggregating and analyzing clinical data to facilitate appropriate, evidence-based intervention and care management practices, especially for vulnerable populations and people with complex health care needs;
5. improve health care affordability and quality

by increasing coordination among hospitals and community-based providers and organizations;

6. improve access to health care services, including behavioral health services; and
7. ensure staff-to-patient ratios are sufficient to deliver high quality health care.

The CHEFA chairperson must report by January 1, 2016 to the Public Health and Commerce committees on the study. The report must include a capital needs assessment for community hospitals (to the extent possible) and recommendations on:

1. financing methods for improvements currently needed by Connecticut community hospitals to fulfill the purposes listed above, including (a) using bond funds and alternative funding methods and (b) establishing a program that provides low- or no-interest loans to community hospitals;
2. other state programs that may be used to support community hospital improvements; and
3. legislative or regulatory changes needed to enable community hospitals to make the improvements listed above.

Under the act, a "community hospital" means a hospital that (1) is not a teaching hospital and has 25 or fewer full-time equivalent interns or residents for every 100 inpatient beds; (2) charges less than the state median price for services; (3) is nonprofit; and (4) is not part of a hospital system.

EFFECTIVE DATE: Upon passage

§§ 28, 30, 36, & 37 — CON FOR LARGE GROUP PRACTICE SALES

Existing law requires a CON for certain ownership transfers of group practices of eight or more full-time equivalent physicians. For such transfers, when an offer responds to a request for proposal or similar voluntary offer for sale, there are certain variations from the general CON process (e.g., a presumption of approval for the application).

The act labels this group of eight or more physicians as a "large group practice" and expands which ownership transfers are subject to the CON requirement. Prior law exempted transfers to a physician or group of physicians. Under the act, the exemption for transfers to a physician group only applies if the physicians in that group are legally organized in a partnership, professional corporation, or limited liability company formed to render professional services and are not employed by or an affiliate of a hospital, medical foundation, insurance company, or similar entity.

EFFECTIVE DATE: July 1, 2015

§§ 33 & 40 — HOSPITAL AND HEALTH SYSTEM ANNUAL REPORTING

Under existing law, general and children's hospitals must annually report certain information to OHCA. Among other things, this includes:

1. salaries and fringe benefits for the 10 highest paid positions and
2. salaries paid to hospital employees by each joint venture, partnership, subsidiary, and corporation related to the hospital.

The act requires hospitals to also report this information for health system employees. For this purpose, a health system is a business entity consisting of a parent corporation of one or more hospitals affiliated through governance, membership, or other means.

For general or children's hospitals that are parties to an ownership transfer approved under the CON law, the act requires the hospital to report information on financial gain by certain individuals as part of its annual report to OHCA in the year before the transaction's approval. The report must include financial gain realized by the hospital's officers, directors, board members, and senior managers as a result of the transaction.

Existing law requires all hospitals not subject to the above reporting requirement to annually file with OHCA their audited financial statements. The act allows a health system to submit one report with the audited financial statements for all of its hospitals. For this purpose, a health system is (1) a parent corporation of one or more hospitals and any entity affiliated with that corporation through ownership, governance, membership, or other means, or (2) a hospital and any entity affiliated with the hospital through any such means.

PA 15-242, § 70, contains a similar provision allowing health systems to file one report with the audited financial statements for all of its hospitals.

EFFECTIVE DATE: July 1, 2015

§ 39 — CON EXEMPTION FOR CERTAIN SCANNERS

The act eliminates the CON requirement for the acquisition of certain types of scanners if they are replacements for scanners previously approved through the CON process. This applies to MRI, CT, PET, and PET/CT scanners.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Joint Commission

The Joint Commission is an independent, nonprofit organization that accredits and certifies many categories of health care organizations and programs in the United States.

Connecticut Unfair Trade Practices Act (CUTPA)

CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000 (effective October 1, 2015, PA 15-60 increases this amount to \$10,000), enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

PA 15-148—sHB 5101

Public Health Committee

AN ACT CONCERNING PUBLIC POOLS

SUMMARY: This act exempts flotation vessels from Department of Public Health (DPH) oversight and fees associated with public pool inspections and plan reviews. It defines a "flotation vessel" as a salt water tank, devoid of light and sound, in which a person floats for purposes such as meditation, relaxation, and alternative medicine. Existing regulations classify flotation vessels as special purpose public pools.

Also, unlike existing regulations, the act specifically classifies splash pads and spray parks where water is recirculated as public pools, thus subjecting them to these fees and DPH oversight.

The act adds a statutory definition of "public pool" for purposes of these fees, generally similar to existing regulations. As under those regulations, the act requires DPH to classify public pools into one of five categories. The fees, unchanged by the act, are the same for all categories: \$750 to review a pool plan; \$250 to review a resubmitted plan; \$200 for a pool inspection, and \$150 for a reinspection.

Prior law required DPH to charge these fees, as well as fees for its review of subsurface sewage disposal flow plans, despite any regulations to the contrary. The act instead requires the commissioner to amend

regulations as needed to implement these fee requirements.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

DEFINITIONS

Under the act, a “public pool” is an artificial basin constructed of concrete, steel, fiberglass, or other impervious material and equipped with a controlled water supply intended for recreational bathing, swimming, diving, or therapeutic purposes. The term includes any related equipment, structure, area, or enclosure intended for use by anyone using or staffing the pool. Pools intended for use at a single-family residence are not considered public pools, unless used for commercial or business purposes.

Similar to existing regulations, the act requires DPH to classify public pools in one of five categories, defined as follows:

1. a “public swimming pool” is a pool used or intended for recreational bathing, swimming, or water recreation activities;
2. a “public wading pool” is a pool principally used or intended for wading and recreational bathing by small children;
3. a “public spa” is a pool used for recreational bathing in conjunction with a high-velocity water recirculation or air system, hot water, cold water, a mineral bath, or any combination of these;
4. a “public diving pool” is a pool used solely for diving or the instruction and practicing of diving techniques; and
5. a “special purpose public pool” is a pool used for a specialized purpose, including: a splash pad or spray park where water is recirculated, water flume, scuba diving instruction pool, therapeutic pool, hydrotherapy pool, or pool used in an aquatics program for people with disabilities. The term does not include a “flotation vessel.”

BACKGROUND

Public Pool Regulations

Under existing regulations, public pool construction or reconstruction plans must be approved in accordance with DPH’s Public Swimming Pool Design Guide. The regulations set general requirements for public pools, such as supervisory personnel, water quality and pH level, signs (e.g., warning when no lifeguard is on duty), and barriers to discourage unauthorized access. There are additional requirements for certain types of pools

(e.g., public swimming pools and diving pools must have depth markers) (Conn. Agencies Reg., § 19-13-B33b).

PA 15-157—HB 6579

Public Health Committee

Education Committee

AN ACT CONCERNING DEVELOPMENTAL SCREENINGS FOR CHILDREN

SUMMARY: This act requires a health care provider, when completing the state’s (1) early childhood health assessment record form (“yellow form”) or (2) public school health assessment form (“blue form”) for a child age five or younger, to indicate on the form whether he or she performed a developmental screening during the related examination.

Under the act, a developmental screening is one that uses a method recommended by the American Academy of Pediatrics to identify concerns with a child’s physical and mental development, including the child’s sensory, behavioral, motor, language, social, perceptual, or emotional skills.

EFFECTIVE DATE: July 1, 2015

PA 15-163—HB 6937

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH’S RECOMMENDATIONS REGARDING THE DEFINITIONS OF SEDATION AND GENERAL ANESTHESIA

SUMMARY: This act updates the statutory definitions of sedation and general anesthesia related to dentistry to reflect industry standards by:

1. eliminating the definition of “conscious sedation” in the dentistry statutes and replacing it with new definitions for “minimal sedation,” “moderate sedation,” and “deep sedation;”
2. updating the definition of “general anesthesia;”
3. extending to dentists using moderate or deep sedation existing permitting requirements for the use of general anesthesia; and
4. exempting dentists using minimal sedation from these permitting requirements.

The act authorizes the state Dental Commission to take disciplinary action against a dentist permitted to use moderate or deep sedation who fails to successfully complete an on-site evaluation of his or her office. Among other things, this includes license revocation or suspension, censure, a letter of reprimand, or a civil penalty. (The commission may already take these

actions against general anesthesia permit holders who fail to complete the evaluation.)

EFFECTIVE DATE: October 1, 2015

PERMIT REQUIREMENTS

The act extends to dentists using moderate or deep sedation existing Department of Public Health (DPH) permitting requirements for the use of general anesthesia.

By law, to obtain a permit, a dentist must (1) pay a \$200 fee, (2) demonstrate compliance with American Dental Association Guidelines for Teaching and the Comprehensive Control of Pain and Anxiety in Dentistry, and (3) successfully complete an on-site evaluation of his or her office. A DPH-approved site evaluator must conduct the on-site visit in consultation with the Connecticut Society of Oral and Maxillofacial Surgeons.

DPH may renew permits annually, provided the dentist (1) pays a \$200 renewal fee and (2) completes an on-site evaluation at least once every five years.

DEFINITIONS

General Anesthesia

The act defines “general anesthesia” as a drug-induced loss of consciousness during which a person:

1. is not able to be aroused, even by painful stimulation;
2. often has an impaired ability to independently maintain ventilator function;
3. often requires assistance maintaining his or her airway and may require positive pressure ventilation because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and
4. may have impaired cardiovascular function.

Prior law defined general anesthesia as a controlled state of unconsciousness produced by pharmacologic or nonpharmacologic methods, or a combination of the two, accompanied by a partial or complete loss of a person’s protective reflexes, including an inability to independently maintain an airway and respond to physical stimulation or verbal commands.

Deep Sedation

The act defines “deep sedation” as a drug-induced depression of consciousness during which:

1. a person cannot be easily aroused but responds purposefully following repeated or painful stimulation;
2. a person’s ability to independently maintain ventilator function may be impaired;

3. a person may require assistance to maintain his or her airway, and spontaneous ventilation may be inadequate; and
4. cardiovascular function is usually maintained.

Moderate Sedation

The act defines “moderate sedation” as a drug-induced depression of consciousness during which:

1. a person responds purposefully to verbal commands, either alone or when accompanied by light tactile stimulation;
2. intervention is not required to maintain a person’s airway, and spontaneous ventilation is adequate; and
3. a person’s cardiovascular function is usually maintained.

Minimal Sedation

The act defines “minimal sedation” as a minimally depressed level of consciousness that:

1. is produced by a pharmacological method that retains a person’s ability to independently and continuously maintain an airway and to respond appropriately to physical stimulation or a verbal command,
2. may result in modest impairment of cognitive function and coordination but does not affect a person’s ventilator and cardiovascular function, and
3. is produced by nitrous oxide or an orally administered sedative (a) using no more than the maximum therapeutic dose recommended by the federal Food and Drug Administration and (b) that may be prescribed to a person for unmonitored use at home.

PA 15-172—sHB 6884

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH’S RECOMMENDATIONS REGARDING CHILDHOOD LEAD POISONING PREVENTION AND CONTROL

SUMMARY: This act lowers the blood lead level threshold at which local health directors must inform parents or guardians about (1) a child’s potential eligibility for the state’s Birth-to-Three program and (2) lead poisoning dangers, ways to reduce risks, and lead abatement laws.

Under existing law, local health directors must provide this information after receiving a report from a clinical laboratory or health care institution that a child has been tested with a blood lead level of at least 10

micrograms of lead per deciliter of blood (10 µg/dL) or any other abnormal body lead level. The act requires them to also provide this information when a child is known to have a confirmed venous blood lead level of at least five µg/dL.

The act specifies that the local health director must provide the information to the parent or guardian only once, after the director receives the initial report.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Centers for Disease Control and Prevention (CDC) Recommendation

In 2012, the CDC updated its recommendations on children's blood lead levels, defining five µg/dL as an elevated blood lead level. Previously, the CDC used the term "level of concern," and defined that as 10 µg/dL.

PA 15-174—sHB 6949

Public Health Committee

AN ACT CONCERNING CHILDHOOD VACCINATIONS

SUMMARY: Existing law exempts children from school immunization requirements if the child presents a statement from his or her parents or guardians that the immunization would be contrary to the child's religious beliefs. This act additionally exempts children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs. It requires any such statement to be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, or justice of the peace. (PA 15-242, § 68 also allows school nurses to officially acknowledge the statement.)

The act extends the above requirement to children (1) attending child day care centers and group or family day care homes and (2) whose parents or guardians object to such immunization on religious grounds. (Existing Office of Early Childhood regulations require the submission of a religious exemption statement, but do not require it to be acknowledged.)

Under the act, the child's parents or guardians must submit the religious exemption statement annually in order for the child to remain enrolled in a public or private school, child day care center, or group or family day care home. (PA 15-242 eliminates the annual submission requirement and instead requires submission of the statement (1) once for children attending child

day care centers and group or family day care homes and (2) before a public or private school student enrolls in seventh grade, in addition to when he or she initially enrolls in school, as existing law requires.)

In addition to the above religious exemption, existing law also provides a medical exemption for children who document that such immunization is medically contraindicated.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

PA 15-198—sHB 6856

Public Health Committee

Appropriations Committee

AN ACT CONCERNING SUBSTANCE ABUSE AND OPIOID OVERDOSE PREVENTION

SUMMARY: This act makes various changes affecting prescription drugs, drug abuse prevention, and related topics. It:

1. requires practitioners, before prescribing more than a 72-hour supply of a controlled substance, to check the patient's record in the prescription drug monitoring program;
2. requires practitioners to review the patient's record at least every 90 days if prescribing for prolonged treatment;
3. makes other changes to the prescription drug monitoring program, including exempting opioid agonists from its reporting requirements in certain situations;
4. allows pharmacists to prescribe opioid antagonists, used to treat drug overdoses, if they receive special training and certification to do so, and expands the existing immunity for all prescribers when prescribing, dispensing, or administering opioid antagonists;
5. requires physicians, advanced practice registered nurses (APRNs), dentists, and physician assistants (PAs) to take continuing education in pain management and prescribing controlled substances;
6. makes changes to membership and other matters concerning the Connecticut Alcohol and Drug Policy Council; and
7. adds pharmacists to the definition of "healing arts" in the health care center (HMO) statutes.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on the prescription drug monitoring program and continuing education are effective October 1, 2015.

§ 5 — ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM

Requirements for Prescribers

Under the electronic prescription drug monitoring program, the Department of Consumer Protection (DCP) collects information on controlled substance prescriptions to prevent improper or illegal drug use or improper prescribing. There are certain exemptions, such as controlled substances dispensed to hospital inpatients.

Under the act, before prescribing more than a 72-hour supply of a controlled substance subject to the program, the prescribing practitioner or his or her authorized agent must review the patient's records in the prescription drug monitoring program. (The agent must also be a licensed health care professional.) If the program is not operational, the prescriber may prescribe more than a 72-hour supply, as long as the prescriber or agent reviews the patient's records in the program within 24 hours after regaining access to the program. Additionally, the act requires the prescribing practitioner or agent to review a patient's records in the program at least every 90 days when the practitioner prescribes controlled substances for continuous or prolonged treatment.

By law, various health care professionals are authorized to prescribe controlled substances, including physicians, APRNs, dentists, nurse-midwives, optometrists, PAs, podiatrists, and veterinarians.

Prescription Reporting

By law, pharmacists and other controlled substance dispensers must generally report certain prescription information to DCP under the program, such as the dispensing date, dispenser identification and prescription numbers, and patient identifying information.

Existing law requires the DCP commissioner to release the information, on written request, to a prescribing practitioner who is treating or has treated a specific patient, if the information is for treatment purposes (including drug monitoring). The act requires the commissioner to also release the information to such a practitioner's authorized agent who is also a licensed health care professional.

Prior law exempted from the program's reporting requirements institutional pharmacies or pharmacists' drug rooms operated by licensed institutions, when dispensing or administering opioid antagonists directly to patients to treat a substance use disorder. The act removes this exemption and instead applies the exemption to opioid agonists.

Opioid agonists are medications such as morphine that activate the same areas of the brain as other opioids.

Opioid antagonists block the effect of opioids and are often used to treat drug overdoses (see below).

§§ 6 & 8 — OPIOID ANTAGONISTS

Prescriptive Authority for Pharmacists

Under certain conditions, the act allows licensed pharmacists to prescribe opioid antagonists. To do so, the pharmacist must (1) have been trained and certified by a program approved by the DCP commissioner and (2) act in good faith.

Under the act, a pharmacist who dispenses an opioid antagonist must train the recipient in how to administer it. The pharmacist must also maintain a record of the dispensing and training under the law's recordkeeping requirements. The act prohibits a pharmacist from delegating to or directing another person to prescribe an opioid antagonist or provide this training.

The act specifies that a pharmacist who prescribes an opioid antagonist and meets these requirements is not deemed to have violated any standard of care for pharmacists (see below for more on immunity from liability).

The DCP commissioner may adopt implementing regulations.

By law, an "opioid antagonist" is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the federal Food and Drug Administration has approved for treating a drug overdose.

Immunity from Liability

The act expands the civil and criminal immunity for licensed health care professionals authorized to prescribe an opioid antagonist, when prescribing, dispensing, or administering it to treat or prevent a drug overdose. (The immunity applies to these actions or the subsequent use of the antagonist.) It does this by removing the condition that the immunity applies only if the professional acts with reasonable care.

The act also specifies that a professional who prescribes, dispenses, or administers an opioid antagonist in accordance with these provisions is deemed not to have violated the applicable standard of care. Finally, it makes a technical change to clarify that these professionals may prescribe, dispense, or administer the antagonist to anyone.

§§ 1-4 — CONTINUING EDUCATION

The act requires physicians, APRNs, dentists, and PAs to take continuing education in pain management and prescribing controlled substances, as follows.

For physicians, this applies as part of the existing requirement that they take at least one contact hour (i.e., at least 50 minutes of continuing education) of risk management training or education (1) during their first license renewal period in which continuing education is required and (2) at least once every six years after that. For APRNs, the act's requirement applies as part of the existing requirement that they take at least one contact hour of substance abuse training or education every two years. (Both physicians and APRNs generally must complete 50 hours of continuing education every two years, starting with their second license renewal.)

The act specifies that its requirement applies to physicians for registration periods beginning on or after October 1, 2015.

For dentists, the act requires at least one contact hour every two years of training or education in pain management and prescribing controlled substances. The act makes a corresponding change by providing that dentists' other continuing education must include at least one contact hour in any four, rather than five, of the 10 mandatory topics prescribed by the public health commissioner. (Dentists generally must complete 25 hours of continuing education every two years, starting with their second license renewal.)

For PAs, the act requires at least one contact hour every two years of training or education in pain management and prescribing controlled substances. (By law, to renew their licenses, PAs must have completed the mandatory continuing education requirements needed to maintain national certification.)

§ 9 — ALCOHOL AND DRUG POLICY COUNCIL

By law, the Connecticut Alcohol and Drug Policy Council is charged with (1) reviewing state policies on substance abuse treatment and prevention programs, as well as criminal sanctions and programs, and (2) developing and coordinating a statewide plan for these matters.

The act moves the council to the Department of Mental Health and Addiction Services (DMHAS). Previously, it was in the Office of Policy and Management (OPM) for administrative purposes only. It thus eliminates the requirement that OPM provide staff for the council within available appropriations.

The act also makes several changes in the council's membership. It adds the aging commissioner, chairperson of the Board of Regents for Higher Education, and UConn president, or their designees. It removes the higher education, motor vehicles, and transportation commissioners and the chairperson of the board of pardons and paroles, or their designees. (The position of higher education commissioner was eliminated in 2011.)

The act also allows the council's co-chairpersons (the DMHAS and children and families commissioners) to jointly appoint up to seven members, including:

1. two people in recovery from a substance use disorder or who represent an advocacy group for people with these disorders,
2. a provider of community-based substance abuse services for adults,
3. a provider of these services for adolescents,
4. an addiction medicine physician,
5. a relative of someone in recovery, and
6. an emergency medicine physician currently practicing at a hospital in the state.

§ 7 — HEALING ARTS IN HMO STATUTES

The act adds pharmacists to the definition of "healing arts" in the HMO statutes. Various provisions in the HMO statutes refer to healing arts, including provisions on:

1. training provided under the direction of people licensed to practice a healing art (CGS §§ 38a-176 and -177),
2. required representation for healing arts practitioners on the boards of HMOs organized as nonprofit corporations (CGS § 38a-179), and
3. allowing (a) healing arts practitioners to be employed by and participate in HMOs and (b) patients to choose healing arts practitioners in the HMO (CGS § 38a-180).

Pharmacists are not included in the more general statutory definition of healing arts (CGS § 20-1).

BACKGROUND

Related Act

PA 15-5, June Special Session, § 354, requires pharmacists and other controlled substance dispensers, starting July 1, 2016, to report to the monitoring program immediately after dispensing controlled substances but in no event more than 24 hours after doing so, rather than at least weekly as under prior law.

PA 15-203—sHB 5903

*Public Health Committee
Appropriations Committee*

AN ACT CONCERNING A STUDY OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE

SUMMARY: This act requires the public health (DPH) commissioner to study chronic obstructive pulmonary disease (COPD) in consultation with the social services

commissioner and representatives of the Connecticut Hospital Association and any other national patient organization with COPD expertise. The DPH commissioner must report on the study's results to the Public Health Committee by February 1, 2016.

The act also requires the DPH commissioner to post certain information about COPD on the department's website. This includes information from the Centers for Disease Control and Prevention and other information that she believes may help people with COPD when talking with their health care providers about the disease.

COPD is a group of diseases, including emphysema and chronic bronchitis, that cause difficulty with airflow and breathing.

EFFECTIVE DATE: Upon passage

REPORT OF COPD STUDY

Under the act, the DPH commissioner's report must include:

1. hospitalization and 30-day readmission rates for state residents with COPD;
2. current activities by state agencies to promote awareness and education by health care providers and the general public on the disease, including its causes, the importance of early diagnosis using spirometry testing and treatment, effective prevention strategies, and disease management; and
3. an assessment of the need for community-based services for people with COPD.

In addition, the report must include recommendations on:

1. the necessity and feasibility of conducting a needs assessment with respect to COPD,
2. hosting an annual COPD summit,
3. developing a pilot program to determine best practices and outcomes and to lower hospital readmission rates, and
4. identifying the amount of funding and potential funding sources for the pilot program.

PA 15-206—sHB 6283

Public Health Committee

AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS

SUMMARY: This act imposes restrictions on the use of “electronic nicotine delivery systems” and “vapor products” (“e-cigarettes”) in certain establishments and public areas that are similar to existing restrictions on smoking tobacco products in such areas. In doing so, it:

1. prohibits the use of e-cigarettes in state buildings, restaurants, places serving alcohol, schools, child care facilities, and health care facilities, among other areas;
2. makes exceptions for e-cigarette use in certain areas and facilities, including designated smoking areas, tobacco bars, and outdoor areas in establishments serving alcohol;
3. permits hotel and motel operators to allow e-cigarette use in up to 25% of their rooms;
4. requires, in areas where e-cigarette use is prohibited, signs to that effect;
5. establishes penalties for violations of the act; and
6. specifies that nothing in the act requires the designation of an area in a building for e-cigarette use.

Under the act, the Public Health Committee must hold a hearing to determine whether any state legislation is needed after the federal Food and Drug Administration (FDA) finalizes a rule that could impose federal regulations on e-cigarettes.

Finally, the act specifies that it supersedes and preempts municipal laws and ordinances on e-cigarette use.

EFFECTIVE DATE: October 1, 2015

ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS

Under the act and existing law, an “electronic nicotine delivery system” is an electronic device used to simulate smoking in delivering nicotine or another substance to a person who inhales from it. Such systems include electronic (1) cigarettes, (2) cigars, (3) cigarillos, (4) pipes, and (5) hookahs. It also includes related devices, cartridges, or other components.

A “vapor product” uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor the user inhales. The vapor may or may not include nicotine.

E-CIGARETTE USE IN CERTAIN ESTABLISHMENTS AND PUBLIC AREAS

Where Use Is Prohibited

The act generally prohibits e-cigarette use in the following places:

1. buildings owned or leased and operated by the state or its political subdivisions,
2. health care institutions,
3. retail food stores,
4. restaurants (see below),

5. places that serve alcohol under specified permits (see below),
6. school buildings during school or student activities,
7. specified child care facilities (see below),
8. passenger elevators,
9. dormitories at public or private higher education institutions, and
10. dog race tracks or facilities equipped with screens for simulcasting off-track betting racing programs or jai alai games.

Under the act, a restaurant is a space, in a suitable and permanent building, kept, used, maintained, advertised, and held out to the public as a place where meals are regularly served to the public.

E-cigarette use is prohibited in establishments that serve alcohol under the following permits: university; hotel; resort; restaurant; café; juice bar; tavern; railroad; airline; coliseum or coliseum concession; special sporting facility; nonprofit theater or public museum; airport; or airport restaurant, bar, concession, or airline club. E-cigarette use is also prohibited in (1) any club issued a permit after May 1, 2003 to serve alcohol and (2) the bar areas of bowling establishments that hold such a permit.

Additionally, under the act, a “child care facility” is a child day care center, group or family day care home, or any child care facility that must be licensed by the Department of Children and Families. The act specifies that the prohibition on e-cigarette use in family day care homes applies only when a child enrolled in day care is present.

Exceptions

Under the act, the prohibition on e-cigarette use does not apply to:

1. correctional facilities;
2. designated smoking areas in psychiatric facilities;
3. public housing projects;
4. classrooms, during e-cigarette demonstrations that are part of a medical or scientific experiment or lesson;
5. employee smoking rooms provided by employers;
6. outdoor portions of places serving alcohol, under certain circumstances (see below); and
7. tobacco bars, provided they do not expand or change their location as of October 1, 2015.

Establishments serving alcohol where using e-cigarettes is generally prohibited under the act may allow e-cigarette use in outdoor areas (i.e., areas with no roof or other ceiling enclosure). If they choose to do so, they must prohibit e-cigarette use in at least 75% of outdoor areas where food is served and designate such

areas with a “nonsmoking” sign. Any temporary seating area for special events in such establishments is not subject to the prohibition on e-cigarette use or signage requirements.

Under the act, a “tobacco bar” is a bar that has a permit to sell alcohol and, in the calendar year ending December 31, 2015, generated 10% or more of its annual gross income from on-site tobacco product sales and humidior rentals.

The act also permits hotel, motel, or similar lodging operators to allow guests to use e-cigarettes in up to 25% of rooms offered as guest accommodations.

Signage

In each room, elevator, area, or building in which e-cigarette use is prohibited by the act, the person in control of the premises must post or have someone post a sign indicating that state law prohibits e-cigarette use. Generally, the signs must have letters at least four inches high with principal strokes at least one-half inch wide. The act exempts elevators, restaurants, establishments that serve alcohol, hotels, motels, other lodgings, and healthcare institutions from the letter-size requirements.

Penalties

Under the act, a person commits an infraction if he or she is found guilty of (1) using an e-cigarette where prohibited by the act, (2) failing to post required signs, or (3) removing the signs without authorization. The act specifies that a person may be arrested for using an e-cigarette in an elevator only if there is a sign indicating that such use is prohibited.

HEARING FOLLOWING FINAL FDA RULE

The act requires the Public Health Committee to hold a public hearing within 30 days after the finalization of the FDA's proposed rule on tobacco products deemed subject to the federal Food, Drug, and Cosmetic Act. The federal act gives the FDA the authority to regulate cigarettes, smokeless tobacco, and any other tobacco products that the FDA determines, by regulation, to be subject to the law. Part of the proposed FDA rule deems e-cigarettes to be tobacco products, thus subjecting them to many of the restrictions that currently apply to cigarettes (e.g., requiring submission of ingredient lists and reporting of harmful and potentially harmful ingredients).

At the hearing, the committee must review the FDA rule and determine whether to recommend legislation on tobacco products, including e-cigarettes, in response to the rule.

PA 15-220—SB 111

*Public Health Committee
General Law Committee*

AN ACT CONCERNING SUSHI RICE

SUMMARY: This act requires the public health (DPH) commissioner, by October 1, 2016 and in consultation with the consumer protection commissioner, to adopt regulations allowing the acidification of sushi rice as an alternative to temperature control, under circumstances specified in the regulations. It allows restaurants and catering establishments, if they conform to the regulations, to use acidification instead of temperature control.

The act allows the DPH commissioner to implement policies and procedures necessary to administer these provisions while in the process of adopting them as regulations, as long as she publishes notice of intent to adopt regulations on the department's website and the eRegulations system within 20 days after implementation. The policies and procedures are valid until the regulations are adopted.

Existing regulations establish time and temperature controls for potentially hazardous foods. Subject to the local health director's approval and other conditions, restaurants and catering establishments may leave these foods at room temperature for a maximum of four hours (Conn. Agencies Reg., §§ 19-13-B42(m), 19-13-B49(m), & 21a-101-7(n)).

EFFECTIVE DATE: October 1, 2015

PA 15-223—sSB 999

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING EMERGENCY MEDICAL SERVICES

SUMMARY: This act makes various changes in the emergency medical services (EMS) laws, including emergency scene responsibilities, data reporting requirements, and credentialing. Among other things, the act:

1. establishes a hierarchy for determining which EMS provider is responsible for making patient care decisions at the scene of an emergency call, giving decision-making authority to the provider holding the highest classification of licensure or certification;
2. specifies that these provisions do not limit the authority of the fire officer-in-charge to control and direct emergency activities at the scene;

3. establishes a civil penalty of up to \$100 per day for an EMS organization's failure to report data as required, in addition to existing penalties;
4. allows the Department of Public Health (DPH) commissioner to adopt regulations on the EMS data collection system; and
5. specifies certain exemptions from EMS provider certification, extending an existing exemption from paramedic licensure.

The act also makes many minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2015

§ 1 — PATIENT CARE DECISIONS AT EMERGENCY SCENES

The act establishes a hierarchy for determining which EMS provider is responsible for making patient care decisions at the scene of an emergency medical call. Under the act, the EMS provider holding the highest classification of DPH licensure or certification makes the decisions. The classification order, from highest to lowest, is (1) paramedic, (2) advanced emergency medical technician (AEMT), (3) emergency medical technician (EMT), and (4) emergency medical responder (EMR).

Under the act, if multiple providers hold the same licensure or certification, the provider for the primary service area responder makes the decisions. If all providers on the scene are EMTs or EMRs, the EMS organization providing transportation services makes the decisions.

The act requires the provider with decision-making responsibility to transfer patient care on the arrival of a provider with a higher licensure or certification. All providers must ensure that the transfer occurs in a timely and orderly manner.

The act specifies that these provisions do not limit the existing authority of the fire chief or fire officer-in-charge to control and direct emergency activities at the scene. By law, these officials have this authority when their fire department is responding to a fire, service call, or other emergency in their town (CGS § 7-313e).

§ 2 — EMS DATA REPORTING*Scope*

By law, the DPH commissioner must develop an EMS data collection system. The act (1) eliminates her specific authority to expand the data collection to include, within available appropriations, clinical treatment and patient outcome data but (2) specifies that the law's list of reportable data is non-exclusive. Existing law requires EMS organizations to report on a quarterly basis the:

1. number of 9-1-1 calls received;
2. level of EMS required for each call;
3. response time;
4. number of passed, cancelled, and mutual aid calls (which, under the act includes calls both made and received); and
5. prehospital data for unscheduled patient transport.

Civil Penalty

Under the act, an EMS organization, other than one operated by a state agency, that fails to report as required is liable for a civil penalty of up to \$100 per day. DPH can assess these penalties only after giving the organization written notice of the deficiency and an opportunity to respond. The organization must respond to the notice, in writing, within 15 business days.

Existing law requires the commissioner to issue a written order directing compliance if (1) an ambulance service or paramedic intercept service does not submit data for six consecutive months or (2) she believes the service knowingly or intentionally submitted incomplete or false data. If the service does not fully comply with the order within three months, the commissioner (1) must hold a hearing at which the service must show cause why its primary service area assignment should not be revoked and (2) may take several disciplinary actions (e.g., license revocation or suspension, censure, or civil penalties).

Regulations

The act allows the commissioner to adopt regulations on the development, implementation, monitoring, and collection of EMS system data.

§§ 3-13 — EMS LICENSING AND CERTIFICATION

§ 6 — Use of Title

The act specifically prohibits anyone not certified from using the titles of “emergency medical responder,” “emergency medical technician,” “advanced emergency medical technician,” or “emergency medical services instructor,” or using other words or abbreviations that may be confused with these certifications. (There is a similar provision in existing regulations, except for instructors.)

By law, these restrictions already apply to the use of “paramedic” or similar titles by someone not licensed as a paramedic.

§ 6 — Exemptions

Under the act, certification as an EMR, EMT, AEMT, or EMS instructor is not required of:

1. any state-licensed or -certified person performing services within his or her scope of practice or
2. a student, intern, or trainee studying EMS at an accredited institution or DPH-approved program, as long as the activities otherwise requiring certification are supervised and part of a supervised course of study.

These exemptions already apply for paramedic licensure.

§§ 7, 8, & 10 — Certification and Recertification

The act specifically requires the DPH commissioner to issue a certification as an EMT, EMS instructor, EMR, or AEMT to an applicant who meets the certification requirements.

It requires AEMTs, EMRs, and EMS instructors to be recertified every three years. This already applies for EMTs.

The act allows, rather than requires, the commissioner to adopt regulations to (1) provide for statewide standardization of certification for each class of EMS personnel, (2) allow certification course work to be taken statewide, and (3) allow certified people to perform work within their scope of certification statewide.

§ 8 — Applicants Certified in Other States

As is already the case with EMTs, EMRs, and paramedics, the act allows the DPH commissioner to issue an AEMT certification to an applicant who presents satisfactory evidence that he or she:

1. is currently certified in good standing in any New England state, New York, or New Jersey;
2. has completed an initial training program consistent with federal standards; and
3. has no pending disciplinary action or unresolved complaints.

As is already the case with EMRs, the act also allows the commissioner to issue an EMT or AEMT certificate to an applicant who presents satisfactory evidence that he or she:

1. is currently certified in good standing by a state with licensing requirements at least equal to Connecticut’s,
2. completed (a) an initial DPH-approved training program with a written and practical examination or (b) a program outside the state that adheres to national education standards and includes an examination, and

3. has no pending disciplinary action or unresolved complaints against him or her.

§ 9 – *Disciplinary Action*

The law lists several grounds on which DPH may discipline EMS personnel. For paramedics, these grounds previously included violations of the paramedicine laws or regulations. The act instead provides that DPH may discipline all EMS personnel for violations of licensure or certification provisions and regulations.

By law, other permissible grounds for discipline include (1) failure to conform to standards of the profession, (2) felony convictions, and (3) substance abuse.

PA 15-242—sHB 6987
Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes numerous substantive, minor, and technical changes to Department of Public Health (DPH)-related statutes and programs. These changes affect several health care professions and institutions, including acupuncturists, certified behavior analysts, clinical and environmental laboratories, certified dietician-nutritionists, emergency medical services providers, hairdressers and cosmeticians, hospitals, mandated elder abuse reporters, massage therapists, medical spas, nuclear medicine technologists, nurses, opticians, and physician assistants.

The act also contains provisions relating to, among other things, technical assistance fees for certain health care institution construction projects; stem cell research; release of patient data by DPH's Office of Health Care Access (OHCA); advanced notice of licensed health care facility investigations or inspections; the Commission on Medicolegal Investigations; advisory councils on PANS/PANDAS and health information technology; the Behavioral Health Partnership Oversight Council; food-borne disease outbreaks; task forces on childhood nutrition, rare diseases, and food allergies; Department of Mental Health and Addiction Services' (DMHAS) contracts and settlements; youth suicide prevention training; cottage food regulations; the Connecticut Health Insurance Exchange's consumer health information website; and childhood immunization requirements.

EFFECTIVE DATE: October 1, 2015, unless otherwise noted below.

§ 1 – TECHNICAL ASSISTANCE FEE

By law, DPH charges a fee for technical assistance the department provides for the design, review, and development of a health care institution's construction, renovation, sale, or change in ownership. For projects costing more than \$1 million, the act provides that the fee (one-quarter of 1%) is based on total construction costs rather than total project costs.

§ 2 – HOSPITAL RECORDS

The act requires chronic disease hospitals to maintain their medical records on-site in an accessible manner. It also requires this for children's hospitals, except for nurses' notes.

It requires both chronic disease and children's hospitals to keep a patient's medical records on-site for at least 10 years after the patient's discharge, except they may destroy the original records sooner if they preserve a copy through a process consistent with current hospital standards. Each such hospital must provide DPH with a list of the processes it uses to preserve copies in this manner. Existing regulations generally require health care providers to maintain medical records for seven years (Conn. Agency Regs. § 19a-14-42).

The act also requires chronic disease hospitals to complete a patient's medical records within 30 days after the person's discharge, except in unusual circumstances as specified in the hospital's medical staff rules and regulations.

The act allows DPH to adopt implementing regulations.

§ 3 – PHYSICIAN ASSISTANT ORDERS

The act requires all orders written by a physician assistant to include his or her signature and printed name. (This signature requirement was inadvertently removed by PA 14-231.)

§§ 4 & 5 – STEM CELL RESEARCH

The act eliminates DPH's authority to (1) enforce specified laws concerning stem cell research and related topics and (2) adopt implementing regulations. Among other things, these laws establish conditions in which someone may conduct research involving embryonic stem cells. By law, this research must continue to be overseen by an embryonic stem cell research oversight committee established under national guidelines.

The act eliminates the requirement for a researcher to provide documentation to DPH before someone may perform this research, verifying the voluntary nature of the donation of the stem cells and related materials or

adherence to national guidelines for embryonic stem cells derived from out of state. The underlying requirement continues to apply (i.e., that the donation be voluntary).

Under the act, the Regenerative Medicine Research Advisory Committee also must require research grant applicants to submit a form attesting to compliance with the law's requirements for embryonic stem cell research and related topics, if the research involves these cells.

§ 6 – NURSES FROM OTHER STATES

Prior law allowed a qualified registered nurse or licensed practical nurse from another state to temporarily care for a patient in Connecticut only if the nurse received a temporary DPH permit. The act allows such temporary care for up to 72 hours without a permit. A permit is still required for temporary care beyond 72 hours.

As under prior law, the nurse must not represent himself or herself as licensed in Connecticut.

§ 7 – MASSAGE THERAPISTS

The act specifically allows DPH to take disciplinary action against a licensed massage therapist for fraud or deceit in obtaining the license.

§ 8 – PRIMARY SERVICE AREA RESPONDERS

The act allows certain primary service area responders (PSARs) to apply to DPH, on a short form application, to change the address of their principal or branch locations within the primary service area, without necessarily going through the standard hearing process. This applies to licensed or certified volunteer, hospital-based, or municipal ambulance services that are PSARs. By law, a primary service area is a specific geographic area to which DPH assigns a designated emergency medical services (EMS) provider for each category of emergency medical response services. These providers are termed PSARs.

Under the act, applicants must notify in writing all other PSARs in the municipality or adjacent municipalities. The application is deemed approved 30 days after filing, unless one of the notified PSARs objects in writing to the commissioner and requests a hearing within 15 days after receiving notice. At the hearing, the applicant must demonstrate the need to change its address, following existing procedures requiring a public hearing when an EMS organization requests approval of permits for new or expanded emergency medical services.

The act requires the commissioner to develop the short form application. The application must at least require the applicant to provide (1) the applicant's

name, current address, and new address, (2) an explanation for moving the principal or branch location, and (3) a list of the providers to whom it sent notice and proof of notification.

§ 9 – MANDATED REPORTERS OF ELDER ABUSE

The law requires certain professionals (mandated reporters) to notify the Department of Social Services (DSS) when they reasonably suspect an elderly person (1) has been abused, neglected, abandoned, or exploited or (2) needs protective services. The act adds as mandated reporters the following licensed or certified EMS providers: paramedics; emergency medical responders, technicians, and advanced technicians; service instructors; and any of these professionals who are members of a municipal fire department.

Failure to make a report is punishable by a fine of up to \$500. An intentional failure to report is a class C misdemeanor for a first offense and a class A misdemeanor for a subsequent offense (see Table on Penalties).

Training

The act expands the training that institutions, organizations, agencies, and facilities employing individuals to care for someone age 60 or older must provide their employees. The act requires this training to cover detecting elderly exploitation and abandonment, in addition to the existing topics of detecting abuse and neglect and informing employees of their reporting responsibilities.

§ 10 – EMS CALL VOLUME REPORTS

By law, DPH must establish EMS rates and adopt regulations that establish rate-setting methods. The regulations must specify that ambulance or paramedic intercept services that do not apply for a rate increase in a given year beyond the medical care services consumer price index, or that accept the maximum allowable rates in a voluntary statewide rate schedule, must file certain information. The act extends the filing deadline from July 15 to the last business day of August.

By law, this filing must include (1) a statement of call volume and (2) if the service is not applying for an increase, a written declaration that it will not change its approved maximum rates during the rate year.

§§ 11 & 12 – EMS VEHICLE INSPECTIONS

PA 14-231 made various changes concerning required biennial inspections of EMS vehicles, including (1) allowing the inspections to be performed by state or municipal employees, or Department of

Motor Vehicles-licensed motor vehicle repairers or dealers, qualified under federal regulations and (2) requiring the inspections to be conducted in accordance with federal regulations. Under the act, these provisions only apply to ambulances and invalid coaches, but not to intercept vehicles staffed by advanced emergency technicians or paramedics. (Generally, these intercepts provide advanced life support.)

In addition to this inspection, the act specifies that all such ambulances, invalid coaches, and intercept vehicles must also be inspected by DPH, to verify their compliance with minimum standards for vehicle design and equipment. The act also allows the DPH commissioner to inspect any rescue vehicle used by an EMS organization, for compliance with minimum equipment standards.

The act also updates terminology and makes minor and technical changes.

§ 13 – OHCA RELEASE OF DATA

The act makes technical changes to clarify that OHCA may release patient-identifiable data for medical and research purposes, in accordance with existing regulations.

Regulations establish conditions for DPH's release of identifiable health data for medical or scientific research. Among other requirements, (1) the requestor must apply to DPH and agree not to permit disclosure without DPH's prior approval and (2) DPH must determine that the data will be used solely for bona fide medical and scientific research and the disclosure is necessary for the proposed research (Conn. Agency Regs. § 19a-25-3).

§§ 14 & 15 – CLINICAL LABORATORIES

The act makes various changes concerning DPH's disciplinary authority over clinical laboratories.

By law, DPH may impose \$100 to \$300 fines on clinical laboratories for violations of the licensure law and related provisions. Under the act, each day a laboratory is out of compliance with the law or regulations is a separate violation for this purpose.

Under existing law, DPH may suspend or revoke a clinical laboratory's license if the laboratory commits fraud, engages in fee-splitting inducements or bribes, violates the laws on reporting medical errors, or violates other provisions of the licensing law. The act allows DPH to impose its standard range of disciplinary actions, not just license suspension or revocation. These other disciplinary actions may include censure, a letter of reprimand, probation, or a civil penalty.

The act also allows DPH to take disciplinary action for violations of regulations adopted pursuant to the licensing law.

It grants to the department investigative authority over clinical laboratories similar to that which it already has over licensed health care institutions. Thus, the act allows the commissioner or an authorized agent to conduct any inquiry, investigation, or hearing needed to enforce the laws and regulations on clinical laboratory licensure. She or her agent may issue subpoenas; order the production of books, records, or other documents; administer oaths; and take testimony under oath. If a person disobeys a subpoena or refuses to answer a pertinent question or produce a requested document, the commissioner or agent may apply to Superior Court (in Hartford or the judicial district where the person lives or the business is conducted) to order compliance. The court, in turn, must cite the person to appear in court to answer the question or produce the document.

§ 16 – DISCIPLINARY ACTION AGAINST PRACTITIONERS

The act allows DPH and its professional licensing boards and commissions to take disciplinary action against a practitioner's license or permit as a result of the practitioner being subject to disciplinary action by a federal agency. Existing law grants this authority against practitioners subject to disciplinary action by other states, the District of Columbia, U.S. possessions or territories, or foreign jurisdictions.

As under existing law regarding these other jurisdictions, the act allows DPH or the board or commission to rely upon the federal agency's findings and conclusions when imposing the disciplinary action.

§ 17 – VOLUNTARY SURRENDER OF A LICENSE

The act specifies that DPH may deny an application for license reinstatement by a person who voluntarily surrendered or agreed not to renew or reinstate his or her license if the applicant:

1. failed to comply with state laws or regulations;
2. was found guilty or convicted of a felony;
3. is the subject of pending disciplinary action or an unresolved complaint in another jurisdiction;
4. was subject to disciplinary action in another jurisdiction, including by a federal agency;
5. committed an act which, if he or she were licensed, would not conform to accepted professional standards of practice; or
6. has a condition that would interfere with his or her professional practice, such as a physical or mental illness.

Existing law already allows DPH to deny, for the above reasons, applicants for (1) permits; (2) licensure by examination, endorsement, or reciprocity; or (3) license reinstatement.

§ 18 — ADVANCED NOTICE OF HEALTH CARE INSTITUTION INSPECTIONS AND INVESTIGATIONS

The law prohibits regional long-term care ombudsmen and DPH and DSS employees from providing nursing or residential care homes (1) advanced notice of an investigation or inspection or (2) information about a complaint filed by a mandated reporter of elder abuse unless they are specifically required to do so by state or federal regulations. The act extends the prohibition to cover all licensed health care institutions and specifies that it does not apply to inspections related to an institution's initial licensure.

Under the act and existing law, violators are guilty of a class B misdemeanor (see Table on Penalties). They may also be dismissed, suspended, or demoted.

§ 19 — MEDICAL SPAS

The act specifies that the statutory definition of a medical spa does not include hospitals or other licensed health care facilities. The law defines a medical spa as an establishment where cosmetic medical procedures are performed.

By law, a medical spa employed- or contracted-physician, physician assistant, or advanced practice registered nurse must perform an initial physical assessment of a person before the person can undergo a cosmetic medical procedure at the spa. The act requires the assessment to be performed in-person.

§ 20 — COMMISSION ON MEDICOLEGAL INVESTIGATIONS

The act allows the DPH commissioner to designate someone else to represent her on the Commission on Medicolegal Investigations. The nine-member commission supervises and controls the Office of the Chief Medical Examiner.

§ 21 — ENVIRONMENTAL LABORATORIES

By law, DPH approves and certifies private, municipal, and state-operated environmental laboratories that test drinking water, sewage, soil, and other environmental samples for contaminants.

The act excludes the following two types of facilities from the definition of "environmental laboratory":

1. publicly owned treatment works that only perform physical, residue, microbiological, and biological oxygen demand tests for their own facilities and

2. pollution abatement facilities that test for pH, turbidity, conductivity, salinity, oxidation-reduction potential, and residual chlorine for their own facilities.

The exclusion applies only if the test results are required by or submitted to the Department of Energy and Environmental Protection (DEEP) to comply with water discharge permits or emergency authorizations.

§§ 22-24 — PROFESSIONAL LIABILITY INSURANCE FOR ACUPUNCTURISTS

Starting October 1, 2015, the act requires an acupuncturist applying for an initial or renewal license to maintain professional liability insurance or other indemnity against liability for professional malpractice that is at least \$250,000 per person, per occurrence, with an aggregate of at least \$1 million. The applicant must do this before providing direct patient care services.

The act allows DPH to take disciplinary action against a licensee who fails to comply with these insurance requirements. Existing law already allows DPH to take such action against a licensee for various reasons, such as (1) failing to conform to accepted professional standards; (2) a felony conviction; or (3) negligent, incompetent, or wrongful conduct in professional activities.

By law, disciplinary actions available to DPH include license revocation or suspension, censure, a letter of reprimand, probation, or a civil penalty.

§ 25 — PANDAS/PANS ADVISORY COUNCIL

The act adds the Insurance Committee chairs, or their designees, to the Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorder Associated with Streptococcal Infections (PANDAS) and Pediatric Acute Neuropsychiatric Syndrome (PANS), thus increasing the membership from 14 to 16.

The council advises the DPH commissioner on research, diagnosis, treatment, and education relating to these conditions and must annually report to the Public Health Committee.

§ 26 — OPTICAL SELLING PERMITS

By law, a licensed optician or an establishment with an optical department must obtain a DPH permit to sell retail optical glasses and instruments. The act exempts from the permit requirement a regionally accredited college or university that operates an optical establishment to provide practical training to students enrolled in its optician training program.

The law allows students enrolled in these optician training programs to produce, mount, and fit ophthalmic lenses under the direct supervision of a licensed optician and to perform work that is incidental to their course of study (CGS § 20-147a).

EFFECTIVE DATE: Upon passage

§ 27 – CERTIFICATE OF NEED

Generally, the law requires a health care facility to apply for a certificate of need (CON) from OHCA when it proposes to (1) establish a new facility or provide new services, (2) change ownership, (3) purchase or acquire certain equipment, or (4) terminate certain services.

By law, if a health care facility proposes to terminate all of its services and those services were originally authorized by a CON, it must (1) notify OHCA at least 60 days before and (2) surrender its CON within 30 days after taking such action.

Additionally, existing law requires a facility that proposes to stop operating or providing a service for which a CON was not originally obtained to notify OHCA at least 60 days before taking such action.

The act specifies that a health care facility must comply with the above requirements only if it is not otherwise required to file a CON application. By law, a CON is required if:

1. a hospital seeks to terminate any inpatient or outpatient services;
2. with certain exceptions, termination of surgical services is proposed by (a) an outpatient surgical facility or (b) a facility providing outpatient surgical services as part of the outpatient department of a short-term acute care hospital;
3. a short-term acute care hospital seeks to terminate an emergency department; or
4. a state-operated health care facility or institution that serves Medicare or Medicaid beneficiaries seeks to terminate any inpatient or outpatient services.

§ 28 – NUCLEAR MEDICINE TECHNOLOGISTS

Existing law specifies that the radiographer licensure statutes do not prohibit a nuclear medicine technologist from fully operating a CT or magnetic resonance imaging (MRI) portion of a hybrid-fusion imaging system, including diagnostic imaging, in conjunction with a (1) positron emission tomography or (2) single-photon emission CT imaging system. The technologist must (1) have successfully completed the individual certification exam for CT or MRI administered by the American Registry of Radiologic Technologists (ARRT) and (2) hold and maintain in good standing CT or MRI certification. The act allows

technologists to obtain the certification from the Nuclear Medicine Technology Certification Board, instead of just the ARRT.

§ 29 – HAIRDRESSER AND COSMETICIAN LICENSURE WITHOUT EXAMINATION

By law, an applicant currently licensed as a hairdresser and cosmetician in another state who has successfully passed a written examination in that state may obtain a Connecticut license without examination.

The act additionally waives the examination requirement for an applicant from a state that did not require an examination as a condition of licensure, if the applicant (1) legally practiced cosmetology for at least five years in another state and (2) submits to the DPH commissioner satisfactory evidence of his or her education and experience, including:

1. an original certification from the other state's licensing agency demonstrating at least five years of licensure;
2. correspondence from the applicant's former employers, coworkers, or clients describing the applicant's work experience for at least five years; and
3. a copy of tax returns indicating cosmetology as the applicant's occupation.

Under the act and existing law, applicants for licensure without examination must also (1) have successfully completed a hairdresser and cosmetician education and training program and (2) pay a \$50 fee. By law, applicants must not have any pending disciplinary actions or unresolved complaints against them.

§ 30 – BEHAVIORAL HEALTH PARTNERSHIP OVERSIGHT COUNCIL

The act adds two nonvoting, ex-officio members to the Behavioral Health Partnership Oversight Council: one each appointed by the DPH commissioner and health care advocate, to represent their department or office respectively. Currently, the Council has eight nonvoting members and approximately 30 voting members.

By law, the council advises the children and families, social services, and mental health and addiction services commissioners on the planning and implementation of the Behavioral Health Partnership (BHP), which these departments administer. BHP is an integrated behavioral health system for Medicaid patients.

§ 31 — BAN ON LATEX GLOVES AT RETAIL FOOD ESTABLISHMENTS

The act prohibits the use, or requiring the use, of disposable, natural rubber latex gloves at retail food establishments, including food service, catering, or itinerant (temporary or mobile) food vending establishments. It subjects violators to fines of between \$250 and \$500.

EFFECTIVE DATE: July 1, 2016

§ 32 — CERTIFIED BEHAVIORAL ANALYSTS

The act requires the education commissioner, in consultation with the public health commissioner, to study the:

1. potential advantages of licensing board certified behavior analysts and assistant behavior analysts who are credentialed by the Behavior Analyst Certification Board and
2. inclusion of board certified behavior analysts and assistant behavior analysts in school special education planning and placement teams (PPT) (see BACKGROUND).

The act requires the education commissioner, by January 1, 2016, to report to the Public Health and Education committees on these studies, including:

1. any new licensure or certification categories relating to behavior analysis,
2. adding board certified behavior analysts or assistant behavior analysts on special education PPTs, and
3. incentives for people to enter the behavior analysis field.

EFFECTIVE DATE: Upon passage

§ 33 — FOOD-BORNE DISEASE OUTBREAK STUDY

The act requires DPH to study food-borne disease outbreaks originating in public eating places, including the type of information communicated to the public after confirmed outbreaks and how it is communicated. By July 1, 2016, the commissioner must report on the study to the Public Health Committee.

The act defines a “food-borne disease outbreak” as an incident in which at least two people experience a similar illness from ingesting a food or beverage that originated from a common source and was contaminated with chemicals or infectious agents.

§ 34 — CHILDHOOD NUTRITION TASK FORCE

The act establishes an 12-member task force to study childhood nutrition, including (1) promoting healthier eating habits and promoting and providing

healthier school meals and (2) developing a nutrition education program for local and regional school districts to adopt and integrate into their physical education curriculum.

The task force must report its findings and recommendations to the Public Health Committee by January 1, 2016, and terminates on that date or when it submits the report, whichever is later.

Membership

Under the act, the task force includes the following eight appointed members:

1. two appointed by the House speaker, one of whom must be a certified dietitian-nutritionist practicing in Connecticut who serves children;
2. two appointed by the Senate president pro tempore, one of whom must be a licensed pediatrician practicing in the state;
3. one medical researcher with experience in research on the effects of childhood nutrition on overall health, appointed by the House majority leader;
4. one school nurse licensed and practicing in Connecticut, appointed by the Senate majority leader;
5. one psychiatrist licensed and practicing in the state with experience treating children with nutrition-related issues, appointed by the House minority leader; and
6. one licensed clinical social worker with experience serving children with nutrition-related issues, appointed by the Senate minority leader.

Additional task force members include the Public Health Committee chairpersons and ranking members or their designees.

Appointing authorities must (1) make their appointments by July 30, 2015 and (2) fill any vacancies. An appointee may be a legislator.

Operations

The Senate president pro tempore and House speaker must select the task force chairperson from among its members. The chairperson must schedule the task force's first meeting, which must be held within 60 days after the act takes effect.

EFFECTIVE DATE: Upon passage

§ 35 — RARE DISEASE TASK FORCE

The act establishes a 16-member task force to study rare diseases. The task force must (1) examine rare disease research, diagnoses, treatment, and education and (2) make recommendations for the establishment of a permanent group of experts to advise DPH on rare

diseases.

The act incorporates a definition of “rare disease” from federal law. Under that law, rare diseases are those that (1) affect fewer than 200,000 people in the United States or (2) affect more than 200,000 people but there is no reasonable expectation that the cost to develop and make a drug for the disease available in the United States will be recovered from its domestic sales (21 USC § 360bb).

Membership and Procedure

The task force includes 16 appointed members as shown in Table 1. All designated physician appointees must be licensed and practicing in Connecticut and must have experience researching, diagnosing, or treating rare diseases. Any member may be a legislator.

Table 1: Members – Rare Disease Task Force

Appointing Authority	Member Qualifications
House speaker	- two physicians, one representing neurology or neurological surgery and the other representing pediatrics - an administrator of a hospital in Connecticut - a medical researcher with experience researching rare diseases
Senate president pro tempore	- two physicians, one representing cardiology or cardiovascular surgery and the other representing pulmonology - a representative of a hospital in Connecticut - a registered nurse or advanced practice registered nurse licensed and practicing in the state with experience treating rare diseases
House majority leader	- a physician representing orthopedics or orthopedic surgery - a rare disease survivor over age 18
Senate majority leader	- a physician representing internal medicine - a caregiver of a pediatric rare disease survivor
House minority leader	- a physician representing emergency medicine - a representative of the National Organization for Rare Disorders
Senate minority leader	- a representative of the biopharmaceutical industry in the state with experience in research and development relating to rare diseases - a representative of a hospital in the state with such experience

Task force appointments must be made no later than 30 days after the act’s passage. The appropriate appointing authority fills any vacancy.

The House speaker and Senate president must select chairpersons from among the task force members. The chairpersons must schedule the first task force meeting, which must be held within 60 days after the act's passage.

Reporting Requirement

The act requires the task force to report its findings and recommendations to the Public Health Committee

by January 1, 2016. The task force terminates on the date it submits the report or January 1, 2016, whichever is later.

EFFECTIVE DATE: Upon passage

§§ 36-48 — LCO TECHNICAL REVISIONS

The act makes a minor change to the statute pertaining to death certificate fees. Specifically, it restores a provision in prior law that requires death certificate fees received by DPH to be deposited in the state's neglected cemetery account. (Under PA 14-133, this provision was eliminated as of July 1, 2015.)

The act also makes technical and conforming changes to various public health statutes.

EFFECTIVE DATE: October 1, 2015, except that the provisions regarding (1) death certificate fees and (2) certain Department of Children and Families (DCF) statutes take effect July 1, 2015.

§ 49 – CYTOMEGALOVIRUS

The act makes a technical correction to PA 15-10, which requires all health care institutions caring for newborn infants to test those who fail a newborn hearing screening for cytomegalovirus, starting January 1, 2016.

EFFECTIVE DATE: Upon passage

§ 50 – DMHAS CONTRACTS, AGREEMENTS, AND SETTLEMENTS

The act changes the effective date, from October 1, 2015 to upon passage, of a statutory provision amended by PA 15-120. This provision authorizes the DMHAS commissioner to designate any employee, instead of only a deputy commissioner, to sign a contract, agreement, or settlement on the department's behalf.

EFFECTIVE DATE: Upon passage

§ 51 – INFECTIOUS DISEASE NOTIFICATION TO EMS RESPONDERS

Existing law requires hospitals to notify EMS responders, through designated officers (see BACKGROUND), that may have been exposed to infectious pulmonary tuberculosis when treating, assisting, or transporting a victim of an emergency, including victims who die at or en route to the hospital. This act expands the notification requirement to include possible exposure to airborne infectious diseases that are:

1. specified as such on the U.S. Department of Health and Human Services’ (HHS) infectious disease list developed pursuant to the federal

- Ryan White Notification law (see BACKGROUND) and
2. designated by the DPH commissioner through regulation.

Existing law also allows an EMS responder to initiate an inquiry about infectious disease exposure based on a potential exposure incident (e.g., contact with body fluids or a needlestick injury). The act specifies that an inquiry may be made for possible exposure to any DPH- or HHS-designated infectious disease.

Additionally, the act (1) requires hospitals to designate a hospital contact person to communicate with designated officers; (2) requires DPH to maintain and make publicly available a list of hospital contact persons and designated officers; and (3) allows DPH to take specified disciplinary actions against hospitals, hospital contact persons, or designated officers who fail to comply with the notification law.

The act also makes technical and conforming changes.

Infectious and Airborne Infectious Diseases

The act expands the diseases considered infectious for the purposes of the notification law. Prior law limited this to 12 diseases, such as HIV and AIDS; Hepatitis A, B, and C; and plague. Under the act, infectious diseases are those:

1. on the HHS infectious disease list developed pursuant to the Ryan White Notification Law (see BACKGROUND)(HHS delegated this responsibility to the Centers for Disease Control and Prevention (CDC)) and
2. designated by the public health commissioner through regulation.

The act specifies that airborne infectious diseases are a subset of infectious diseases specifically designated as such by HHS and the DPH commissioner.

The act requires the DPH commissioner to designate an infectious or airborne infectious disease, as defined by the act, by adopting regulations. It allows her to implement these designations while in the process of adopting them in regulation, if she publishes notice of intent to adopt the regulations on the department's website and the eRegulations System within 20 days of implementation. The designations are valid until the regulations take effect.

Infectious Disease Exposure

The act broadens the circumstances under which someone is considered exposed to an infectious disease. Under the act, "exposed" means to be in circumstances where there is a recognized risk of infectious disease transmission:

1. from a human source to an EMS member or
2. if HHS designates the disease as a select agent, from a surface or environment contaminated by the agent to an EMS member.

Previously, "exposure" meant when a person's percutaneous or mucous membrane was exposed to another person's (1) blood, semen, or vaginal secretions or (2) spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid.

Routine Notification Requirements For Hospitals

The act requires a hospital that diagnoses a patient as having an airborne infectious disease, instead of only infectious pulmonary tuberculosis, to notify the designated officer of the EMS organization that treated, assisted, or transported the patient (1) verbally, within 48 hours after the diagnosis and (2) in writing, within 72 hours after the diagnosis. If a hospital determines a patient who died at or en route to the facility had an airborne infectious disease, it must notify the designated officer within 48 hours of this determination.

Designated Officers and Hospital Contact Persons

Hospital Contact Persons. The act requires each hospital to designate one employee to act as its contact person to:

1. notify designated officers of cases where people may have been exposed to airborne infectious disease and
2. receive and respond to designated officers' requests for information on patients' infectious disease test results.

A hospital contact person may designate another hospital employee to serve as a designee if he or she is unavailable.

DPH Notification and Listing Requirements. By January 1, 2016, the act requires each EMS organization and hospital to notify the DPH commissioner or her designee of the name and contact information for their designated officer and hospital contact person, respectively. They must also promptly notify the commissioner of any changes to this information.

The act requires the commissioner, or her designee, to help designated officers and hospital contact persons answer questions about their responsibilities. Starting January 1, 2016, the commissioner must maintain and update a list of the names and contact information of designated officers and hospital contact persons and post the list on the department's website.

Disciplinary Action

The act extends to hospital contact persons the law's protections for hospitals and designated officers against a cause of action for damages or civil penalty for

failing to comply with the notification law. But the act allows the DPH commissioner to take certain disciplinary actions against these individuals and entities for such noncompliance, including (1) license or permit revocation or suspension, (2) letter of reprimand, (3) censure, or (4) placement on probation.

For hospitals, the act authorizes the commissioner to also (1) restrict their ability to acquire other facilities, (2) issue a compliance order, or (3) impose a corrective action plan.

§ 52 – YOUTH SUICIDE PREVENTION TRAINING

The act requires DCF's Youth Suicide Advisory Board, within available appropriations, to periodically offer youth suicide prevention training for health care providers, school employees, and others who provide services to children, young adults, and families.

The board's existing duties include, among other things, (1) increasing public awareness of youth suicide and ways to prevent it and (2) recommending ways to develop statewide training in youth suicide prevention and implement suicide prevention procedures in schools.

§ 53 – FOOD ALLERGY TASK FORCE STAFF

The act changes, from the Public Health to the Education Committee staff, who must serve as the administrative staff of the food allergy task force.

EFFECTIVE DATE: Upon passage

§§ 54-56 – CERTIFIED DIETICIAN-NUTRITIONISTS

The act allows certified dietician-nutritionists (CDNs) to directly order diet or nutritional support, including therapeutic diets, for patients in health care institutions. Prior law allowed CDNs to only convey a physician's verbal order.

Under the act, the CDN must document the order in the patient's medical record and a physician must countersign it within 72 hours unless state or federal law requires otherwise.

Any order a CDN conveys can be acted on by the institution's nurses and physician assistants as if the order were received directly from a physician.

The act continues to allow physicians to convey verbal orders to CDNs for such diet or nutritional support but eliminates the requirement that CDNs document these orders in the patient's medical record.

The act also makes related technical and conforming changes.

§ 57 – COTTAGE FOOD

PA 15-76 allows food to be prepared in private residences for sale if the preparation is done according to regulations that the DPH commissioner adopts after consulting with the consumer protection (DCP) commissioner.

This act instead requires the DCP commissioner to adopt the regulations after consulting with the DPH commissioner.

§ 58 – CONSUMER HEALTH WEBSITE

PA 15-146 requires the Connecticut Health Insurance Exchange, starting July 1, 2016 and within available resources, to establish and maintain a consumer health information website. It establishes related data submission and reporting requirements, and requires the exchange to post all such information on the consumer website.

This act instead requires this posting to occur on the website in a manner and timeframe that is organizationally and financially reasonable, in the exchange's sole discretion. It also removes the requirement that the website contain information on patient decision aids.

§ 59 – HEALTH INFORMATION TECHNOLOGY ADVISORY COUNCIL

PA 15-146 establishes a State Health Information Technology Advisory Council. One of the governor's appointees must be an employee or trustee of an employee benefit plan established under federal law.

Under the act, the appointee may be a current or former employee or trustee.

EFFECTIVE DATE: July 1, 2015

§§ 60-67 – CONTINUING EDUCATION ON VETERANS' MENTAL HEALTH CONDITIONS

The act requires certain health care professionals, starting January 1, 2016, to take at least two contact hours of training or education on mental health conditions common to veterans and their family members, during the first renewal period in which continuing education (CE) is required and once every six years thereafter. This includes (1) determining whether a patient is a veteran or a veteran's family member; (2) screening for conditions such as post-traumatic stress disorder, risk of suicide, depression, and grief; and (3) suicide prevention training.

The act requires such CE for the following professions:

1. advanced practice registered nurses (APRNs),
2. alcohol and drug counselors,

3. chiropractors,
4. marital and family therapists,
5. professional counselors,
6. psychologists, and
7. social workers.

Under the act, the DPH commissioner must adopt regulations on such training or education for chiropractors, marital and family therapists, and professional counselors.

The act also allows, but does not require, physicians to take such training.

§§ 68 & 71 — CHILDHOOD IMMUNIZATIONS

PA 15-174 exempts children from school immunization requirements if the child presents a statement from his or her parents or guardians that the immunization would be contrary to the parents' or guardians' religious beliefs. (Existing law already allows such an exemption if the immunization would be contrary to the child's religious beliefs.) It requires any such statement to be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, or justice of the peace. The act also allows school nurses to officially acknowledge the statement.

The act also eliminates the requirement in PA 15-174 that parents or guardians submit the religious exemption statement annually in order for the child to remain enrolled in a public or private school, child day care center, or group or family day care home. It instead requires submission of the statement (1) once for children attending child day care centers or group or family day care homes and (2) before a public or private school student enrolls in seventh grade, in addition to when he or she initially enrolls in school, as existing law requires.

EFFECTIVE DATE: July 1, 2015

§ 69 — HOMELESS SHELTERS

By January 1, 2016, the act requires the Department of Housing (DOH), in collaboration with DMHAS and the Department of Education, to make available information on trauma-informed care and related services for homeless children and youths to homeless shelter providers that receive DOH financial assistance.

The providers must, to the extent feasible, (1) refer homeless children or youth to these services as necessary and (2) attempt to ensure that they have access to these services.

§ 70 — HEALTH SYSTEM ANNUAL REPORTING

Existing law requires hospitals to file their audited financial statements with OHCA annually by February

28. The act allows a health system to submit one report with the audited financial statements for all of its hospitals. For this purpose, a health system is (1) a parent corporation of one or more hospitals and any entity affiliated with that corporation through ownership, governance, membership, or other means, or (2) a hospital and any entity affiliated with the hospital through any such means.

PA 15-146, § 40, contains a similar provision that applies to health systems operating certain hospitals.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

§ 32 — *Planning and Placement Team (PPT)*

A PPT is a group consisting of a student's parents, teachers, and educational specialists who meet to develop and periodically review the student's individualized education program, which lists special education services to which the student is entitled.

§ 51 — *Designated Officer*

A designated officer is an employee or volunteer of an EMS organization responsible for (1) receiving notice of cases of possible exposure to infectious disease, (2) investigating the cases, (3) maintaining hospital contact information, (4) requesting additional information from hospitals, and (5) maintaining any records required by law. By law, each EMS organization must identify one designated officer (CGS § 19a-904).

§ 51 — *EMS Organization*

By law, EMS organizations include (1) the State Police, (2) local police departments, (3) municipal constabularies, (4) paid or volunteer fire departments, (5) ambulance companies, or (6) other organizations that transport or treat patients in emergencies (CGS § 19a-904).

§ 51 — *Ryan White Notification Law*

Part G of the 2009 Ryan White HIV/AIDS Treatment Extension Act (P.L. 111-87) establishes a process for medical facilities to inform emergency responders that they may have been exposed to certain infectious diseases, so that they can make informed decisions about subsequent diagnosis, prevention, or treatment.

Notification occurs by either (1) an inquiry initiated by an EMS responder or (2) routine notification by a medical facility that determines that the victim of an emergency has a federal HHS-listed infectious disease (see below).

This requirement does not apply to states with existing notification laws that are substantially similar to the federal law.

§ 51 – HHS Infectious Disease List

The Ryan White Notification Law required HHS to develop a list of potentially life-threatening infectious diseases. The current list includes:

1. cutaneous anthrax;
2. diphtheria;
3. Hepatitis B and C;
4. HIV and AIDS;
5. measles, mumps, and rubella;
6. meningitis;
7. novel influenza A and certain other influenza strains;
8. pertussis;
9. pneumonic plague;
10. rabies;
11. severe acute respiratory syndrome (SARS);
12. smallpox;
13. tuberculosis;
14. vaccinia virus;
15. varicella zoster virus (chickenpox); and
16. viral hemorrhagic fevers.

Related Acts

PA 15-236 contains similar provisions as § 9 of this act on mandated reporters of elder abuse.

PA 15-5—HB 6912

Public Safety and Security Committee

AN ACT CONCERNING THE SCHOOL SECURITY GRANT PROGRAM

SUMMARY: This act extends the sunset date for the school security infrastructure grant program by one year, from June 30, 2015 to June 30, 2016. The program provides grants for developing or improving security infrastructure in schools, based on the results of school building security assessments conducted under the supervision of local law enforcement agencies.

EFFECTIVE DATE: Upon passage

BACKGROUND

School Security Infrastructure Grant Program

PA 13-3 established this competitive state grant program to improve security infrastructure in schools. The program reimburses towns, state charter schools, technical high schools, incorporated or endowed high schools or academies, private schools, and regional education service centers for certain expenses incurred on or after January 1, 2013 for (1) developing or improving security infrastructure; (2) training personnel to operate and maintain the security infrastructure; and (3) buying portable entrance security devices, such as metal detectors.

Eligible infrastructure includes the installation of surveillance cameras, penetration-resistant vestibules, ballistic glass, solid core doors, double-door access, computer-controlled electronic locks, entry door buzzer systems, scan card systems, panic alarms, or other systems.

The program is jointly administered by the departments of Administrative Services, Education, and Emergency Services and Public Protection.

PA 15-20—HB 6913

*Public Safety and Security Committee
Planning and Development Committee*

AN ACT CONCERNING LOCAL EMERGENCY PLANS OF OPERATION

SUMMARY: Beginning January 1, 2017, this act reduces, from annually to biennially, the frequency with which a town must submit its emergency plan of operations to the emergency services and public protection commissioner.

By law, every town must have a current plan approved by the commissioner to be eligible for certain state or federal emergency management benefits. The

plan must be approved by the local emergency management director and chief executive before it is submitted to the commissioner. If the previously submitted plan has not changed, the town may submit it with a notice to that effect.

EFFECTIVE DATE: October 1, 2015

PA 15-26—SB 802

*Public Safety and Security Committee
Judiciary Committee*

AN ACT CONCERNING LIABILITY FOR DAMAGE CAUSED BY A POLICE DOG

SUMMARY: The law imposes strict liability on the owner or “keeper” of a dog for any damage to a person or property the dog causes, except in cases where the damage was done to someone who was teasing, tormenting, or abusing the dog or committing trespass or another tort (CGS § 22-357). By law, a “keeper” is any person, other than the owner, harboring or possessing a dog (CGS § 22-327(6)).

This act creates a rebuttable presumption that a member of a law enforcement officer’s household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog’s keeper. Therefore, in any action against such a household member for damage done by the dog, the plaintiff has the burden of proof to establish that the household member was the dog’s keeper and had exclusive control of the dog. (A “rebuttable presumption” is an assumption of fact accepted by the court until disproved.)

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Minors and the Dog Bite Statute

Under the dog bite statute, if the owner or keeper of the dog that caused the damage is a minor, the minor’s parent or guardian is strictly liable. If an action is brought under this statute on behalf of a minor under age seven, it must be presumed that he or she was not committing a trespass or other tort, or teasing, tormenting, or abusing the dog, and the burden of proof is on the defendant.

PA 15-131—HB 6914*Public Safety and Security Committee***AN ACT CONCERNING DEMOLITION
LICENSURE AND DEMOLITION PERMITS**

SUMMARY: This act exempts from demolition-related licensure, permitting, and insurance requirements people who disassemble a building's nonstructural material for reuse and recycling. It thereby expands the type of activities exempt from these requirements.

It requires an applicant for a demolition permit to furnish a separate written declaration, instead of attesting on the required demolition insurance certificate, that the town where the demolition is taking place will be held harmless from claims arising from the negligence of the applicant or his or her agents or employees during the demolition.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

LICENSING AND PERMITTING EXEMPTIONS

With limited exceptions, people engaged in the demolition business must get a (1) license from the Department of Administrative Services and (2) permit from the town where the building or structure to be demolished is located. The act adds the disassembling of nonstructural building material for reuse and recycling to the following exempt activities:

1. disassembly, transport, and reconstruction of historic buildings for historical purposes; demolition of farm buildings; or renovation, alteration, or reconstruction of single-family homes;
2. removal of underground petroleum storage tanks;
3. burning of buildings or structures as part of an organized fire department training exercise; or
4. demolition of single-family dwellings or outbuildings by owners if the dwelling or structure does not exceed a height of 30 feet, provided the (a) owner is present during the demolition and is held personally liable for any personal injury or property damage caused by the demolition and (b) buildings have clearance from other structures, roads, or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance for safety.

**SAVE HARMLESS AND WRITTEN
DECLARATION**

By law, an applicant for a demolition permit must provide written notice of financial responsibility in the form of an insurance certificate that (1) specifies it is for demolition purposes and (2) provides specified minimum liability coverage for bodily injury and property damage. Under prior law, the certificate had to hold the town harmless from any claim arising from the negligence of the applicant or the applicant's agents or employees during the demolition. This conflicted with PA 14-74, which prohibits an insurance certificate from including a warranty that the underlying policy complies with the insurance or indemnification requirements of a contract. The act resolves this conflict by, instead, requiring that the applicant make a separate written declaration to this effect.

PA 15-161—sHB 6910*Public Safety and Security Committee***AN ACT CONCERNING NOTIFICATION BY
LAW ENFORCEMENT AGENCIES TO DAY
CARE CENTERS**

SUMMARY: This act requires every day care center licensee to give the center's contact information, in writing, to the local police department and State Police troop that has jurisdiction where the center is located. The information must include the center's name, address, and telephone number.

The act requires the police department or troop to notify a licensee that submits such information about conditions in the vicinity of the center that may endanger the children's safety or welfare, including conditions caused by fire; a criminal act; an emergency; or an act of nature, such as an earthquake, tornado, storm, or hurricane. The act sets no timeframes for this notification.

The centers must verify and update contact information, as appropriate.

EFFECTIVE DATE: October 1, 2015

DAY CARE CENTERS

The act applies to:

1. "child day care centers," which offer or provide supplementary care to more than 12 children outside their own homes on a regular basis;

2. “group day care homes,” which offer or provide supplementary care to seven to 12 children on a regular basis or meet the definition of a family day care home except that they do not operate in a private family home; and
3. “family day care homes,” which are private family homes that generally provide care on a regularly recurring basis for up to six children, including the provider's children, not in school full time, between three and 12 hours during a 24-hour period (CGS § 19a-77).

PA 15-175—HB 6971

*Public Safety and Security Committee
Judiciary Committee*

AN ACT CONCERNING THE USE OF A GLOBAL POSITIONING SYSTEM

SUMMARY: This act creates the crime of electronic stalking as a separate stalking crime and makes it a class B misdemeanor (see Table on Penalties). A person commits electronic stalking by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track someone's position or movement, thereby recklessly causing the individual to reasonably fear for his or her physical safety.

Existing law, unchanged by the act, already imposes penalties for stalking ranging from a class B misdemeanor for 3rd degree stalking to a class D felony for 1st degree stalking, generally depending on the nature and extent of the stalking (see BACKGROUND).
EFFECTIVE DATE: October 1, 2015

BACKGROUND

Third-Degree Stalking

Third-degree stalking involves willfully and repeatedly following or lying in wait for someone, recklessly causing him or her to reasonably fear for his or her physical safety. This crime is a class B misdemeanor (CGS § 53a-181e).

Second-Degree Stalking

Second-degree stalking includes knowingly engaging in a course of conduct directed at someone that would cause a reasonable person to perceive a threat to his or her physical safety or that of someone else. Second-degree stalking is a class A misdemeanor. “Course of conduct” means two or more acts in which a person directly, indirectly, or through a third party, by

any means (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to a person or (2) interferes with a person's property (CGS § 53a-181d).

First-Degree Stalking

A person is guilty of 1st degree stalking when he or she commits 2nd degree stalking and (1) he or she was previously convicted of 2nd degree stalking, (2) the stalking violates a court order in effect at the time of the offense, or (3) the victim is under age 16. First-degree stalking is a class D felony (CGS § 53a-181c).

PA 15-207—sHB 6498

*Public Safety and Security Committee
Judiciary Committee*

AN ACT CONCERNING EVIDENCE IN SEXUAL ASSAULT CASES

SUMMARY: This act makes various changes affecting evidence in sexual assault cases and establishes deadlines for transferring and processing sexual assault evidence police obtain from health care facilities that collect such evidence.

If an accused seeks to introduce evidence of a victim's sexual conduct in a sexual assault case, the act requires the hearing on the motion to be held in camera (i.e., in private), rather than allowing the court to grant a motion to hold an in camera hearing at the request of either party. By law, evidence of a victim's sexual conduct in these cases is admissible only in certain limited circumstances (see BACKGROUND).

The act requires motions, supporting documents, and related court documents concerning these hearings to be sealed and allows them to be unsealed only if the court rules that the evidence is admissible and the case goes to trial.

If the state discloses any such evidence, the act limits further disclosure of it by the defense counsel, the defendant, or agent of either.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2015

MOTION ON ADMISSIBILITY OF EVIDENCE IN SEXUAL ASSAULT CASES

Under the act, any motion and supporting documents seeking to admit evidence of a victim's sexual conduct must be filed under seal. These documents may be unsealed only if the court rules that the evidence is admissible and the case proceeds to trial. If the court determines that only part of the evidence is admissible, only the pertinent part of the motion or

documents may be unsealed. The court must maintain these documents under seal for delivery to the Appellate Court if the case is appealed.

The act sets similar requirements for the court regarding transcripts, records, and recordings of proceedings on these hearings. The court must seal them, and it may unseal them only if it rules that the evidence in the document or recording is admissible and the case proceeds to trial. If the court determines that only part of the evidence is admissible, it may unseal only the related portion of the document or recording.

The act specifically allows courts to set other terms and conditions applicable to such evidence of a victim's sexual conduct. For evidence disclosed by the state, the act prohibits the defendant, defense counsel, or agent of the defendant or defense counsel from further disclosing the evidence to anyone, except people employed by the attorney in connection with the case investigation or defense, without the prior approval of the prosecutor or the court.

DEADLINES FOR PROCESSING AND TRANSFERRING SEXUAL ASSAULT EVIDENCE

By law, when a health care facility collects sexual assault evidence, it must "contact" a police department (in effect, provide the evidence to the police department), which must transfer the evidence to the state Division of Scientific Services or Federal Bureau of Investigation (FBI) laboratory (see BACKGROUND). Prior law required the agency that received the evidence to hold it for 60 days, except that if the victim reported the assault to the police, the agency had to analyze the evidence at the request of the police department that transferred it.

The act adds transfer and processing deadlines for police departments and the division. Specifically, it requires a police department that receives sexual assault evidence from a health care facility to transfer the evidence to the Division of Scientific Services or the FBI within 10 days after the health care facility collects it.

If the evidence is transferred to the division, the act requires the division to analyze it within 60 days after it is collected, unless the victim chose to remain anonymous and not report the assault to the police at the time the evidence was collected, in which case the division must hold the evidence for at least five years after the collection. If the victim reports the assault to the police department after the evidence is collected, the department must notify the division of the report no later than five days after the victim files it, and the division must analyze the evidence no later than 60 days after getting the notification. As under existing law, the act requires the agency to hold any evidence received and analyzed until the end of any criminal proceedings.

Under the act, a department's failure to transfer the evidence or the division's failure to process it within the deadlines does not affect the admissibility of the evidence in any suit, action, or proceeding if the evidence is otherwise admissible.

BACKGROUND

Evidence of Victim's Sexual Conduct in Sexual Assault Cases

The law limits when evidence of a victim's sexual conduct is admissible in most sexual assault cases. The evidence is admissible only when its value as proof outweighs its prejudicial effect on the victim and the evidence is:

1. of sexual conduct with persons other than the accused which is offered by the accused on the issue of (a) whether the accused was the source of semen, disease, pregnancy, or injury or (b) the victim's credibility, if the victim testified on direct examination about his or her sexual conduct;
2. of sexual conduct with the accused, offered by the accused on the issue of the victim's consent, when consent is raised as a defense; or
3. otherwise so relevant and material to a central issue that barring its admission would violate the accused's constitutional rights.

The evidence may be admitted only after the court hears a motion to offer such evidence that contains an offer of proof.

Sexual Assault Kits

By law, the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations must design a sexual assault evidence collection kit, which must include instructions on the proper use of the kit, standardized reporting forms, standardized tests to be performed if the victim of the assault consents, and standardized receptacles for collecting and preserving the evidence. The commission must provide the kits to all health care facilities in the state that perform evidence collection examinations (CGS § 19a-112a(c)).

Division of Scientific Services

The Division of Scientific Services is within the Department of Emergency Services and Public Protection. It operates three laboratories: a toxicology and controlled substances laboratory, a forensic science laboratory, and a computer crime and electronics laboratory.

PA 15-210—SB 631

Public Safety and Security Committee

**AN ACT REQUIRING INTERIOR DESIGNERS
TO OBTAIN CONTINUING EDUCATION
RELATED TO THE STATE BUILDING CODE
AND FIRE SAFETY CODE**

SUMMARY: This act establishes continuing education requirements for registered interior designers. It requires them, starting when they apply to renew their registration on or after October 1, 2015, to complete at least four hours of continuing education every three years in areas related to the application of the state building and fire safety codes.

Registered interior designers who apply to renew their registration on or after October 1, 2018 must attest to satisfying the continuing education requirements on a form prescribed by the consumer protection commissioner. The applicants must keep attendance records or completion certificates showing compliance for at least three years after completing the requirements and submit the records to the commissioner for inspection within 45 days after he asks for them.

By law, a knowing, willful, and intentional violation of the laws governing registered interior designers is punishable by imprisonment for up to one year, a fine of up to \$500, or both (CGS § 20-377v).

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2015

PA 15-41—sSB 502

Transportation Committee

AN ACT CONCERNING BICYCLE SAFETY

SUMMARY: This act makes several changes in laws pertaining to bicycle operation and bikeways. It expands the circumstances when a bicyclist is not required to ride as close as practical to the right side of the road.

The act allows motorists to overtake and pass, including in a marked no-passing zone, pedestrians, parked or standing vehicles, animals, bicyclists, mopeds, scooters, vehicles moving slowly, or obstructions on the right side of the road. They may pass only if they can do so safely, with adequate sight distance, and without interfering with oncoming traffic or endangering other vehicles or pedestrians.

The law requires motorists, when parking on curbed highways, to park their vehicles so that their right-hand wheels are no more than 12 inches from the curb. But on highways with a bikeway or a buffer area for a bikeway between the parking lane and the curb, as described in the federal Manual on Uniform Traffic Control, the act requires a motorist to park so that the vehicle’s right-hand wheels are within 12 inches from the edge of the bikeway or buffer area.

Finally, the act requires the Department of Transportation (DOT) commissioner, when updating design standards for roads, to include, where appropriate, the National Association of City Transportation Officials (NACTO) Urban Bikeway and Urban Street design guides’ standards. It also requires DOT to consider implementing the American Association of State Highway Transportation Officers (AASHTO) minimum standard lane width if it would allow the addition of a bicycle lane that conforms to AASHTO or NACTO standards. In doing so, DOT must consult with municipal officials and consider any municipally approved transportation plans.

EFFECTIVE DATE: July 1, 2015

OPERATING BICYCLES ON ROADWAYS

Under prior law, bicyclists were required to ride as close to the right side of the road as practical, except when (1) turning left; (2) avoiding areas closed to traffic; or (3) overtaking or passing moving or parked vehicles, pedestrians, animals, or obstructions on the right side of the highway.

The act instead requires a bicyclist traveling slower than traffic to ride as close to the right side as he or she determines to be safe, except when:

1. overtaking or passing a vehicle traveling in the same direction;
2. preparing for a left turn;

3. reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or lanes too narrow for a bicycle and a vehicle to travel safely side-by-side;
4. approaching an intersection with a dedicated right turn lane, in which case a bicyclist may ride on the left side of the dedicated lane, even if not intending to turn right;
5. riding on a one-way road, in which case a bicyclist may ride as close to the left side of the road as he or she determines to be safe; or
6. riding on parts of roadways dedicated exclusively to bicycle use.

PA 15-42—SB 509

Transportation Committee

AN ACT REGULATING THE TOWING OF MOTOR VEHICLES, THE USE OF WHEEL-LOCKING DEVICES AND THE REPOSSESSION BY LENDING INSTITUTIONS OF MOTOR VEHICLES

SUMMARY: This act regulates the use of a “wheel locking device to render immovable” an unauthorized vehicle on private property (i.e., “booting”). Among other things, it:

1. establishes signage and notification requirements,
2. limits boot removal fees to \$50 or less and requires remitting 10% of the fee to local police, and
3. requires entities that boot vehicles to be available during specified times to remove the boot.

The act also expressly permits lending institutions to repossess a vehicle by contracting with a licensed wrecker or an entity that is exempt from licensure to tow it. In doing so, it applies a number of provisions governing the towing of unauthorized vehicles to vehicles repossessed by towing.

Finally, the act (1) requires the placement of signs on private property where vehicles may be booted or towed and state property where vehicles may be towed and (2) specifies the information the signs must contain. It also allows municipalities to require entities to post signs containing this information where vehicles may be booted or towed.

EFFECTIVE DATE: October 1, 2015

BOOTING VEHICLES

The act permits owners or lessees of private property or their agents to boot unauthorized vehicles left on their property, provided that signs containing the information the act requires are posted on the property before any vehicles are booted (see below). Vehicles may be booted only if they are in a secure location that is reasonably accessible. The act prohibits entities from paying private property owners or lessees for the privilege of booting vehicles on their property.

Police Notification

Under the act, any entity that is hired by a property owner to boot unauthorized vehicles must notify the local police chief, in a manner directed by the police chief, at least five days before booting any vehicles in a municipality.

The act requires entities that boot vehicles to notify local police, in writing or by fax or email, within two hours of booting a vehicle. Within 48 hours of receiving notification, the local police must enter the vehicle identification number in specified databases to check if the vehicle has been reported stolen. If it has, the police must immediately notify the department that reported the theft.

Entities that boot vehicles must also retain police notification records at the location where cars are booted for at least six months and make the records available for inspection by a Department of Motor Vehicles (DMV) inspector or local police.

Vehicle Redemption and Fees

The act sets the maximum fee for removing a boot at \$50, 10% of which must be remitted to local police. The person paying the fee can choose to pay by cash, check, or credit or debit card. No entity may charge a boot removal fee before notifying the local police department.

The act requires personnel to be available on the property to remove the boot for at least eight hours after booting a vehicle, and a sign must indicate when the boot can later be removed. If a vehicle is subsequently towed after being booted, the act specifies that all provisions in existing law related to towing unauthorized vehicles apply.

Under the act, vehicle owners have the right to inspect their vehicles before the boot is removed. Vehicle owners cannot be required to release the firm that boots their vehicle from liability for damages as a condition of reclaiming the vehicle. Entities that boot vehicles must provide vehicle owners with a receipt that includes the entity's name and an itemization of any fees.

If a private property owner or lessee improperly causes a vehicle to be booted, the act deems the property owner liable to the vehicle owner for boot removal fees.

Unclaimed Vehicles

If a booted vehicle is not claimed in 48 hours, the act requires the entity to mail a notice of the booting via certified mail to the vehicle's owner and lienholders. If the vehicle is not claimed within the time specified by law (15 or 45 days, depending on the vehicle's value), the entity may dispose of the vehicle in accordance with the law (CGS § 14-150).

Transferring Titles

The act allows the DMV commissioner to adopt regulations specifying the circumstances in which a vehicle's title may be transferred to an entity that booted the vehicle and the procedures through which the entity may obtain title.

Penalties

Anyone that violates the act's booting provisions commits an infraction (which is payable by mail without a court appearance) and is subject to a \$50 fine for a first offense. For subsequent offenses, violators face a \$50 to \$100 fine, up to 30 days in prison, or both.

REPOSSESSING VEHICLES BY TOWING

Prior law neither permitted nor prohibited towing vehicles to repossess them. The act expressly permits a lending institution to repossess a vehicle by contracting with a licensed wrecker or an entity that is exempt from licensure to tow it. The act appears to allow lending institutions to boot vehicles to repossess them. (PA 15-5, June Special Session, § 234 prohibits them from doing so.) The act also applies provisions related to towing unauthorized vehicles from private property to vehicles repossessed by towing. Among other things, it:

1. requires wreckers or exempt entities to notify the local police of the tow within two hours, and retain a record of the notification;
2. prohibits a wrecker or exempt entity from paying a lending institution for the privilege of towing a vehicle;
3. requires wreckers to keep copies of written contracts with lending institutions and provide them to DMV upon request;
4. prohibits the wrecker or exempt entity from charging a storage fee for the repossessed vehicle before notifying the police in accordance with the act;

5. gives lending institutions the right to inspect vehicles before accepting their return;
6. specifies that a lending institution may not be required to release a wrecker or exempt entity from damages as a condition of releasing the vehicle;
7. requires, if the vehicle is not claimed in 48 hours, wreckers or exempt entities that repossess vehicles to mail tow notices to vehicle owners and lienholders; and
8. allows wreckers or exempt entities to dispose of vehicles that were repossessed and not claimed within 15 or 45 days (depending on the value of the vehicle), in accordance with CGS § 14-150.

Under the act, lending institutions that repossess vehicles by towing must comply with existing law governing vehicle repossession (CGS § 36a-785). Among other things, the law requires lending institutions to provide the buyer with adequate notice of their intent to repossess the vehicle.

Prior law required the local police department to be notified immediately if a vehicle was repossessed without the buyer's knowledge. The act instead specifies that the local police department must be notified within two hours of the repossession.

SIGNS REQUIRED WHERE VEHICLES MAY BE BOOTED OR TOWED

The act requires that owners or lessees of private commercial property, in order to tow or boot vehicles, post conspicuous signs on the property stating that unauthorized vehicles may be booted or towed and information on (1) where towed or booted vehicles may be stored, (2) how vehicles may be redeemed, and (3) fees that may be charged. (PA 15-5, June Special Session, § 233 creates several exceptions to this rule, such as allowing private commercial property owners or lessees to tow vehicles parked in an area reserved for emergency vehicles without posting signs.)

Under prior law, a vehicle could be towed from a state parking lot if it violated the Department of Administrative Services' state parking lot policies and procedures. The act allows the vehicle to be towed in such situations only if there are signs posted that give adequate notice of such towing and include the information required for signs on private commercial property.

The act also gives municipalities the authority to require that conspicuous signs, with the information described above, be placed in any area where a vehicle may be towed or booted.

PA 15-46—sSB 936

Transportation Committee

AN ACT CONCERNING THE DEPARTMENT OF MOTOR VEHICLES' RECOMMENDATIONS WITH RESPECT TO AUTOCYCLES AND THREE-WHEELED MOTORCYCLES

SUMMARY: This act allows the Department of Motor Vehicles (DMV) to register "autocycles," a three-wheeled vehicle it defines as a type of motorcycle. It (1) distinguishes autocycles from three-wheeled motorcycles and (2) allows drivers to operate autocycles with a standard "class D" license (i.e., without needing a motorcycle license endorsement).

It also:

1. creates a license endorsement allowing people to drive three-wheeled (but not two-wheeled) motorcycles;
2. requires passengers under age 18 to wear helmets when riding on certain (a) motorcycles; (b) motor scooters; or (c) bicycles with attached motors ("motor-driven cycles," see below);
3. subjects motorcycles, including autocycles, to laws on odometers and towing; and
4. requires autocycle operators to have motor vehicle insurance with personal injury coverage for passengers, and subjects them to certain other laws applicable to motorcycles and motor vehicles.

The act extends a sales and use tax exemption to certain commercial motor vehicles that transport hazardous waste. (PA 15-5, June Special Session, § 235, repeals this provision.) It also makes minor and conforming changes.

EFFECTIVE DATE: July 1, 2015

AUTOCYCLES

Autocycle and Motorcycle Definitions

The act classifies autocycles as a type of motorcycle and requires that they meet federal motorcycle safety standards (49 CFR Part 571). It refines the definition of motorcycles to distinguish them from autocycles.

Under the act, an "autocycle" is a motorcycle with up to three wheels that:

1. is designed to be controlled with a steering wheel and foot pedals,
2. has partially or fully enclosed seats in which occupants sit with their legs forward, and
3. has seat belts.

Prior law defined a motorcycle as a vehicle with up to three wheels and a saddle or seat on which a rider sat or platform on which he or she stood. The act additionally specifies that (1) a motorcycle rider straddles the saddle or seat and (2) the vehicle is controlled with handlebars. The act also includes as motorcycles vehicles that have, or are designed to have, a completely enclosed driver's seat and a motor that is not in the enclosed area.

Laws Applying to Autocycles

The act allows drivers to operate autocycles with a standard "class D" driver's license. It subjects autocycle operators to certain motor vehicle laws. Specifically, it:

1. prohibits autocycle drivers from overtaking and passing a motor vehicle traveling in the same lane;
2. requires autocycle owners to have motor vehicle insurance that includes personal injury coverage for passengers; and
3. subjects 16- and 17-year-old autocycle drivers to passenger restrictions that would apply if they were driving other motor vehicles (see BACKGROUND).

Laws Applying to Motorcycles and Autocycles

The act applies certain existing laws to operators of both autocycles and motorcycles (including three-wheeled motorcycles). Specifically, it requires these vehicles to be equipped with properly functioning odometers and applies existing criminal penalties to anyone who removes or tampers with an odometer or sells or installs a device that gives a false mileage reading (see BACKGROUND). It also applies to these vehicles existing laws on the towing or removal of motor vehicles from private property.

Laws Applying to Motor-Driven Cycles But Not Autocycles

Existing law requires motor-driven cycle operators under age 18 to wear motorcycle helmets. The act requires motor-driven cycle passengers under age 18 to do so. Failure to wear a helmet is an infraction punishable by a fine of at least \$90.

By law, a motor-driven cycle is any of the following with a seat at least 26 inches high and a motor displacing less than 50 cubic centimeters: a (1) motorcycle, (2) motor scooter, or (3) bicycle with attached motor.

Existing law, unchanged by the act, requires motorcycle operators and passengers under age 18 to wear helmets. The act specifies that an autocycle is not considered a motorcycle for the purposes of the helmet law or the law on the operation of motor-driven cycles.

THREE-WHEELED MOTORCYCLE ENDORSEMENT AND TESTING

By law, motorcycle operators must pass an authorized novice motorcycle training course conducted by the Department of Transportation (DOT) or a firm or organization using a DOT-approved curriculum, such as one offered by the Motorcycle Safety Foundation.

Under the act, anyone wanting to drive a three-wheeled motorcycle must take a three-wheeled motorcycle training course offered by DOT or a firm or organization using a DOT-approved curriculum. An individual who successfully completes such a course will receive a restricted "M" endorsement that allows him or her to drive three-wheeled, but not two-wheeled, motorcycles. (As noted above, a motorcycle endorsement is not required to operate an autocycle.)

SALES AND USE TAX

By law, the sale or use of certain commercial motor vehicles (large buses) that operate under laws governing interstate buses is exempt from the sales and use tax for one year from purchase if 75% of the vehicle's revenue is derived from trips out-of-state or crossing state lines. The act also exempts commercial motor vehicles carrying (1) hazardous material for which federal law requires they carry placards (49 CFR Part 172 Subpart F) or (2) federally listed agents or toxins (42 CFR Part 73). (PA 15-5, June Special Session, § 235, repeals this provision.)

BACKGROUND

Passenger Restrictions for Drivers Age 16 or 17

By law, for the first six months after obtaining a license, a driver age 16 or 17 may not have as a passenger anyone other than (1) his or her parents or legal guardian, at least one of whom has a driver's license, or (2) one passenger who is a (a) licensed driving instructor or (b) person age 20 or older who has held a license for at least four years without it being suspended in that time. For the period between six months and one year after a 16- or 17-year-old receives a license, he or she may also carry immediate family members as passengers. A violation is an infraction. DMV also must suspend a violator's license for a (1) first violation, 30 days and (2) second violation, six months or until the driver turns 18, whichever is longer (CGS § 14-36g).

Odometers and Odometer Tampering

By law, police must issue a warning to anyone who operates a motor vehicle without a properly functioning odometer (CGS § 14-103(c)). Anyone who removes or

tampers with an odometer or installs a device that causes the odometer to register a false mileage reading commits a class A misdemeanor (see Table on Penalties) and is also liable for (1) triple damages or \$1,500, whichever is greater, (2) court costs, (3) reasonable attorney's fees, and (4) a civil penalty of up to \$1,000 for each violation. A violation is also an unfair trade practice (CGS § 14-106b).

PA 15-79—HB 6366

Transportation Committee

AN ACT CONCERNING PROOF OF IDENTITY FOR A "DRIVE ONLY" MOTOR VEHICLE OPERATOR'S LICENSE

SUMMARY: This act changes the types of documents that applicants for a “drive only” license may submit to the Department of Motor Vehicles (DMV) as proof of their identity.

The law requires drive only license applicants to provide DMV with certain documents to prove their identity. The law classifies these documents as either primary or secondary proofs of identity.

Starting July 1, 2015, the act:

1. reduces, from three to two, the types of documents that DMV may accept as primary proof of identity;
2. adds two types of documents that DMV may accept as secondary proof of identity; and
3. bars DMV from accepting three types of documents the law previously allowed as secondary proof.

By law, drive only applicants must provide DMV with either (1) two forms of primary proof or (2) one form of primary and one form of secondary proof.

The act also prohibits applicants from submitting photocopies, notarized photocopies, or noncertified documents as proof of (1) identity or (2) residency. And it requires, starting July 1, 2016, that the back of each drive only license contain a statement that it cannot be used for voter identification purposes. Licenses issued before July 1, 2016, must have this statement added when they are renewed.

EFFECTIVE DATE: July 1, 2015, except the provision adding the statement on the back of the drive only license takes effect July 1, 2016.

PROOF OF IDENTITY FOR DRIVE ONLY LICENSES

By law, the DMV commissioner may issue drive only licenses to individuals who cannot provide DMV with proof of legal U.S. presence or a Social Security number. The license only allows the license holder to

drive; he or she cannot use it for federal identification purposes (e.g., boarding a plane) or as proof of identity to vote.

To obtain a drive only license, an applicant, in addition to meeting driving test requirements, must provide DMV with (1) proof of residency in Connecticut and (2) identification, which may be either (a) two forms of primary proof or (b) one form of primary proof and one form of secondary proof. An applicant also must file an affidavit with the commissioner attesting that he or she has filed or will file an application to legalize his or her immigration status.

By law, any form of proof of identity or residency submitted to DMV in a language other than English must be accompanied by a certified English translation prepared by a translator the commissioner approves.

Primary Proof of Identity

The act eliminates an applicant's ability to use, as primary proof of identity, a consular report of his or her birth in a foreign country. As under prior law, applicants may still use a (1) valid, unexpired foreign passport or one that expired less than three years before the application date, issued by the applicant's country of citizenship, or (2) valid, unexpired consular identification document issued by their country of citizenship.

Secondary Proof of Identity

The act allows applicants for drive only licenses to use, as secondary proof of identity, a (1) valid foreign national identification card or (2) original birth certificate with a raised seal issued by a foreign country. Applicants may no longer use for this purpose a (1) valid foreign voter registration card, (2) certified school transcript, or (3) baptismal certificate or similar document.

As under prior law, applicants may still use a (1) valid, unexpired driver's license with security features, issued by another state or country or (2) certified copy of a marriage certificate issued by a U.S. state, territory, county, city, or town.

BACKGROUND

Related Act

PA 15-5, June Special Session, § 239, clarifies that the back of drive only licenses must contain language stating that the license may not be used for voting purposes.

PA 15-191—HB 6820
Transportation Committee
General Law Committee

**AN ACT CONCERNING PROVISIONS OF THE
 FRANCHISE ACT GOVERNING AGREEMENTS
 BETWEEN AUTOMOBILE MANUFACTURERS
 OR DISTRIBUTORS AND AUTOMOBILE
 DEALERS**

SUMMARY: This act makes changes in and clarifies some of the legal duties that motor vehicle manufacturers and distributors owe to the motor vehicle dealers with whom they have franchise agreements. Specifically, it:

1. specifies what a motor vehicle manufacturer or distributor must do to exercise its right of first refusal to acquire a motor vehicle franchise from a dealer;
2. reduces, from two years to one year, the amount of time that a manufacturer or distributor may “charge back” a dealer for a false or unsubstantiated claim;
3. sets compensation levels that manufacturers and distributors must pay for certain inventory when they terminate or fail to renew a franchise; and
4. makes other changes to these obligations and responsibilities.

EFFECTIVE DATE: October 1, 2015

§ 4 — RIGHT OF FIRST REFUSAL

A right of first refusal gives someone the right to be the first person to buy something (in this case a motor vehicle franchise or dealership) if it is offered for sale. The act prohibits a manufacturer or distributor from exercising a right of first refusal to buy, or other right to acquire, a dealership unless it:

1. notifies, in writing, the dealer and the person to whom the dealership would otherwise be sold (“proposed transferee”) that it intends to exercise its right to acquire the dealership within 60 days after receiving notice of the proposed transfer from the dealer or proposed transferee;
2. pays at least as much for the dealership as the proposed transferee was to pay;
3. assumes all the duties, obligations, and liabilities that the proposed transferee was to assume; and
4. reimburses the proposed transferee for all of its reasonable expenses, including those for evaluating, investigating, negotiating, and pursuing the acquisition of the dealership.

The sections below describe these requirements in more detail.

Notice

The act requires the manufacturer or distributor to send written notice to the dealer and proposed transferee that it intends to exercise its right to acquire the dealership within 60 days after learning of the proposed transfer from the dealer or proposed transferee. Notice from the dealer or proposed transferee must include all the information and documents supporting the proposed transfer that the manufacturer customarily requires.

Under the act, a manufacturer or distributor cannot exercise a right of first refusal if the proposed transferee is:

1. the franchise owner’s spouse, child, grandchild, parent, or sibling;
2. a current owner of the dealership;
3. a dealership manager continuously employed by the dealership for at least four years who is otherwise qualified as a dealer operator according to the manufacturer’s or distributor’s usual standards; or
4. a partnership, trust, or corporation controlled by, or for the benefit of, any of the above individuals.

Payment

The manufacturer or distributor must pay the dealer at least the same amount the dealer was to have received from the proposed transferee in connection with the proposed transfer or sale of all or substantially all of the dealership assets, stock, or other ownership interest, including the purchase or lease of all real property, leasehold, or improvements related to the transfer or sale. Once the manufacturer or distributor exercises its right of first refusal, it may assign the lease or convey the real property.

Assumption of Duties

The manufacturer or distributor must assume all the duties, obligations, and liabilities that the proposed transferee was to assume.

Reimbursement of Reasonable Expenses

The manufacturer or distributor must reimburse the proposed transferee for all reasonable expenses the transferee incurred in evaluating, investigating, negotiating, and pursuing acquisition of the dealership. Under the act, reasonable expenses include the usual and customary legal and accounting fees charged for similar work, as well as expenses associated with evaluating and investigating any real property on which

the dealership is located.

The proposed transferee must submit an itemized list of these expenses to the manufacturer or distributor within 30 days after the manufacturer or distributor exercises its right of first refusal or other right to acquire the franchise. The manufacturer or distributor must reimburse the proposed transferee within 30 days of getting this list.

§ 1 — CHARGE BACKS

Charge Backs

By law, manufacturers and distributors must pay dealers' claims to be reimbursed for the costs of labor, parts, and any sales incentive within 30 days after approving them. The act requires manufacturers and distributors to also pay dealers' claims for the costs of marketing and advertising programs within this 30-day period.

By law, manufacturers and distributors retain the right to audit these claims and, under prior law, could "charge-back" the dealers for false or unsubstantiated claims within two years after paying the dealer for those claims. The act reduces this charge-back period to one year from payment and also applies this deadline to the claims for marketing and advertising.

Prohibitions Against Denying a Claim

The act prohibits manufacturers and distributors, after conducting a timely audit, from denying a dealer's claim or charging back such a payment solely because (1) the dealer failed to comply with a claim processing procedure or (2) of a clerical error or other administrative technicality.

In such a case, and provided the dealer's failure does not call into question the claim's legitimacy, the manufacturer or distributor must allow a dealer to resubmit the claim, according to reasonable manufacturer or distributor guidelines, within 30 days after its denial of the initial claim or charge back.

§ 2 — FRANCHISE TERMINATION, NONRENEWAL, OR CANCELLATION

Compensation of Dealer

The law requires manufacturers and distributors to provide dealers fair and reasonable compensation for unsold vehicles, parts, tools, equipment, supplies, and furnishings when the manufacturer or distributor terminates, cancels, or does not renew a franchise.

The act sets compensation levels for (1) motor vehicles, (2) supplies and furnishings, (3) special tools and equipment offered for sale during the previous three years, and (4) signs bearing a trademark or trade name.

(The law already set compensation levels for certain new, unused, and undamaged parts.)

Motor Vehicles

For a dealer to receive compensation for new current model year and prior model year vehicles, the law requires the vehicles to (1) have been acquired from a manufacturer, distributor, or another dealer in the ordinary course of business within the 12 months preceding the termination and have less than 300 miles on their odometers and (2) be (a) undamaged and (b) unaltered, except for customary manufacturer-approved accessories. The act requires that compensation for these vehicles be set at least at the dealer's net acquisition price, including transportation or destination charges, minus any allowances the manufacturer or distributor paid the dealer.

Supplies, Furnishings, Special Tools, Equipment, and Trademark or Trade Name-Bearing Signs

The act requires manufacturers and distributors to pay a dealer an amount equal to the dealer's costs, minus a 33% straight-line depreciation for each year after the dealer purchased (1) supplies and furnishings bought from a manufacturer, distributor, or an approved source; (2) special tools and equipment offered for sale in the three years before termination; and (3) trademark or trade name-bearing signs the manufacturer required. It is not clear how this will affect the compensation level for (1) special tools and equipment offered for sale in the three years before termination and (2) trademark or trade name-bearing signs, because existing law sets their compensation level at their fair market value at the time the franchise received notice of termination.

§ 3 — EFFECTS OF FRANCHISE TERMINATION

The law imposes certain requirements on a manufacturer or distributor when it terminates, cancels, or does not renew a franchise agreement for poor dealer sales or service performance when the manufacturer or distributor terminates a "line make" (i.e., a brand of vehicle, such as "Chevrolet" or "Mazda"). The act explicitly splits the reasons for termination, cancellation, or nonrenewal into two separate components: (1) poor dealer sales or service performance or (2) discontinuance of a line make. And it adds to a manufacturer's or dealer's responsibilities when it terminates, cancels, or fails to renew a franchise because it discontinues a line make.

Specifically, it requires a manufacturer or distributor, when terminating, cancelling, or not renewing a franchise agreement for such discontinuance, and in addition to the compensation the law already requires, to compensate the dealer for the

lesser of (1) the amount of money remaining on the lease or contract for the dealer management computer system or (2) one year of lease payments. But this compensation need only be paid if the (1) manufacturer or distributor required the dealer to use the computer system and (2) discontinuance of the line make means the dealer will no longer use it.

Where a manufacturer or distributor discontinues a line make, the act also voids, regardless of the terms of a franchise agreement, a site control or exclusivity provision governing any or all of the dealership facilities that operate from the location to which the site control or exclusivity provision applies. (A site control agreement gives a particular manufacturer the sole right to a particular piece of property; an exclusivity provision prohibits a dealer from housing more than one line make under one roof.)

BACKGROUND

(For purposes of the following definitions, state law defines “person” to mean a natural person, partnership, corporation, limited liability company, association, trust, estate, or any other legal entity.)

Manufacturer

By law, a manufacturer is a person who manufactures or assembles new motor vehicles, or imports motor vehicles for distribution to dealers or through distributors, or factory branches (CGS § 42-133r).

Distributor

A distributor is a person who offers for sale, sells, or distributes any new motor vehicle to dealers or who maintains factory representatives or who controls any person, firm, association, joint venture corporation, or trust, who offers for sale, sells, or distributes any new motor vehicle to dealers (CGS § 42-133r).

Dealer

A dealer is a person engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new motor vehicles and who holds a valid sales and service agreement, franchise, or contract, granted by a manufacturer or distributor for the retail sale of the manufacturer's or distributor's new motor vehicles (CGS § 42-133r).

PA 15-192—sHB 6823

Transportation Committee
Commerce Committee

AN ACT CONCERNING THE CONNECTICUT AIRPORT AUTHORITY'S RECOMMENDATIONS REGARDING OPERATION OF THE AUTHORITY, AIRPORT DEVELOPMENT ZONE ADMINISTRATION AND THE AUTHORITY'S JURISDICTION OVER AERONAUTICS IN THE STATE

SUMMARY: This act transfers jurisdiction over airports and air travel (i.e., aeronautics) in the state from the Department of Transportation (DOT) to the Connecticut Airport Authority (CAA), except that the DOT commissioner retains jurisdiction over the taking of property connected with airports.

The act also:

1. allows the CAA board to authorize the executive director to make nonbudgeted expenditures of up to \$500,000 under certain circumstances;
2. transfers CAA's administrative functions related to airport development zones (ADZs) to the Department of Economic and Community Development (DECD) in order to comply with federal law; and
3. requires the CAA advisory committee, which consults with the executive director on Bradley International Airport, to include at least one representative from western Massachusetts.

Finally, the act makes numerous minor, technical, and conforming changes in transferring aeronautics jurisdiction to CAA and ADZ administration to DECD.

EFFECTIVE DATE: Upon passage

§§ 7 – 58 — AERONAUTICS JURISDICTION

The act generally transfers jurisdiction over aeronautics in the state from DOT to CAA, conforming to existing law and current practice. Specifically, it authorizes CAA to:

1. administer aircraft registration (§§ 8 – 12);
2. approve the location of municipal airports (§ 13);
3. prepare and adopt plans to establish and expand state airports (§ 14);
4. issue certificates of approval and licenses to establish and operate airports and related air navigation facilities (e.g., heliports and restricted landing areas) (§§ 16 – 19);
5. oversee licensed airports and related facilities (§ 20);
6. administer federal airport grants for state and municipal airports (§ 21);

7. make grants to municipalities and provide engineering and technical services to municipal and commercial airports (§ 21);
8. acquire development rights for airports (§ 22);
9. administer a veterans set-aside program for certain airport noise mitigation projects (§ 23);
10. respond to complaints of repeated aircraft landings and takeoffs from unlicensed facilities (§ 24);
11. issue airport and aircraft inspector credentials (§ 26);
12. issue rules and procedures to ensure public safety and promote aeronautics in the state (§ 27);
13. participate in certain aeronautics-related lawsuits (§ 28);
14. enforce aeronautics laws, including inspecting airports and related facilities (§§ 29, 30, 32 – 34);
15. investigate and report on aircraft accidents (§ 35);
16. revoke or suspend aircraft operating rights as the law allows (§§ 31 & 33 – 34);
17. establish clear zones and remove obstructions through statutory procedures (§§ 36 – 39);
18. issue permits for utility lines (§ 40);
19. establish and charge fees for the use of properties the authority controls and services it provides (§ 41);
20. take custody of abandoned aircraft (§ 42);
21. serve as the appointed agent for service of process against nonresident aircraft owners and operators (§ 43);
22. formulate and adopt airport approach plans (§§ 44 – 48); and
23. administer and enforce financial security requirements and procedures for aircraft owners and operators (§§ 49 – 58).

Under the act, the DOT commissioner generally retains all powers related to the taking of land for aeronautics purposes. However, the act requires CAA to establish and publish standards for determining if public convenience and necessity requires the DOT commissioner to take land to (1) establish or expand airports (§ 15) or (2) provide unobstructed airspace (§ 36).

§ 2 — NONBUDGETED EXPENDITURE APPROVAL

Prior law required CAA's executive director to get approval for any nonbudgeted expenditure of more than \$5,000. The act allows CAA's board of directors to authorize the executive director to make nonbudgeted expenditures of up to \$500,000 without prior board approval (1) to restore operations at any CAA airport

that (a) is damaged, or has equipment that is damaged, by a natural disaster or (b) incurs a substantial casualty loss that creates unsafe conditions or (2) when failing to act would disrupt operations.

Within 24 hours of making a nonbudgeted expenditure, the executive director must notify the board chair or vice chair of the expenditure's amount and purpose.

§§ 3 – 6 & 59 — AIRPORT DEVELOPMENT ZONE (ADZ) ADMINISTRATION

The act transfers the authority's ADZ administrative functions to DECD in order to comply with the Federal Aviation Administration's (FAA) revenue diversion policy (see BACKGROUND).

In doing so, it:

1. authorizes the department, rather than CAA, to establish additional ADZs surrounding general aviation airports or any other airports within the CAA's authority;
2. requires DECD, rather than CAA, to issue certificates to businesses it determines to be eligible for ADZ benefits and follow reconsideration procedures for those it denies; and
3. eliminates provisions requiring (a) the authority to report annually to the department on ADZs and (b) the department to consult with the authority when making recommendations regarding ADZs in its annual report.

Under prior law, the DECD commissioner was responsible for developing and submitting ADZ proposals to the authority for review and approval. Under the act, municipalities develop and submit new ADZ proposals to DECD, and the commissioner must approve or reject their proposals. It also allows the commissioner, instead of CAA, to modify the geographic scope of a proposed ADZ in order to balance economic benefits with state and municipal costs.

By law, eligible businesses in ADZs qualify for the same property and corporate income tax benefits as those in enterprise zones. Existing law requires DECD to administer the enterprise zone program, including administering the property tax exemptions granted to businesses in ADZs.

BACKGROUND

FAA's Revenue Diversion Policy

Federal law and FAA policy require, as a condition of receiving federal airport development grants, that all airport revenue be used for the operating and capital costs of the airport, the local airport system, or certain

other facilities directly related to the air transportation of passengers or property. FAA policy specifically prohibits using airport revenue for general economic development purposes not directly related to airport development. If the FAA determines that an unlawful diversion of funds has occurred, it may withhold payment of existing or future grants and assess civil penalties, among other things (49 U.S.C. § 47107; 64 Fed. Reg. 7696).

PA 15-8—sSB 904
Veterans' Affairs Committee

AN ACT ESTABLISHING THE CONNECTICUT WOMEN VETERANS' PROGRAM

SUMMARY: This act requires the Department of Veterans' Affairs to establish, within available resources, a Connecticut women veterans' program.

The program must:

1. reach out to women veterans to improve awareness of eligibility for federal and state veterans' benefits and services;
2. assess women veterans' needs for benefits and services;
3. review programs and research projects and other initiatives designed to address or meet Connecticut women veterans' needs; and
4. incorporate women veterans' issues in strategic planning on benefits and services.

The program must also annually submit recommendations for improving benefits and services for women veterans to the veterans' affairs commissioner and the Veterans' Affairs Committee beginning January 15, 2016. The commissioner may adopt regulations to supplement and implement the program.

Under the act, a "veteran" is anyone discharged or released under conditions other than dishonorable from active service in the armed forces (U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component of these branches, including the Connecticut National Guard performing duty under Title 32 of federal law (e.g., certain Homeland Security missions)).

EFFECTIVE DATE: October 1, 2015

PA 15-44—sSB 906
Veterans' Affairs Committee
Labor and Public Employees Committee
Judiciary Committee

AN ACT ADDING THE COMMISSIONER OF VETERANS' AFFAIRS TO THE CRIMINAL JUSTICE POLICY ADVISORY COMMISSION

SUMMARY: This act adds the veterans' affairs commissioner or his designee to the 22-member Criminal Justice Policy Advisory Commission with the authority to deliberate and vote on issues pertaining to veterans in the criminal justice system, including the reentry needs of incarcerated veterans.

By law, the commission, among other things, analyzes the criminal justice system; determines its long-term needs; recommends policy priorities; and

advises and assists the governor and General Assembly in developing plans, policies, programs, and legislation to improve the system's effectiveness (CGS § 18-87k).
EFFECTIVE DATE: October 1, 2015

PA 15-117—HB 6375
Veterans' Affairs Committee
Environment Committee

AN ACT ESTABLISHING A VETERANS TO AGRICULTURE PROGRAM

SUMMARY: This act creates a tax incentive to encourage certain veterans to start a farming business. It does this by relaxing the conditions eligible veterans must meet to qualify for a sales and use tax exemption permit for personal property used exclusively in commercial agricultural production. By law, a "veteran" is an individual honorably discharged or released from active service in the U.S. Armed Forces or their reserve components, including the Connecticut National Guard performing duty under Title 32 of federal law (e.g., certain Homeland Security missions). Under the act, an "eligible veteran" is one who has never owned or leased property for commercial agricultural production or did so for less than two years.

The act also allows the Department of Agriculture (DoAG) to collaborate with the Labor and Veterans' Affairs departments and UConn Cooperative Extension Service to (1) encourage and help veterans start or expand an agricultural business and (2) provide education and training opportunities to veterans in farming and agricultural operations (see BACKGROUND).

EFFECTIVE DATE: Upon passage

FARMER TAX EXEMPTION PERMIT

State law allows the Department of Revenue Services (DRS) to grant a tax exemption permit to farmers engaged in agricultural production as a trade or business (see BACKGROUND). In general, to qualify for the permit, a farmer must have gross income from agricultural production during the preceding tax year of at least \$2,500, or an average of at least \$2,500 over the preceding two tax years, as reported for federal income tax purposes.

The law authorizes DRS to waive this income requirement for someone who buys a farming business from a seller holding a valid farmer tax exemption permit. The act extends the waiver to veterans who have never owned or leased property for commercial agricultural production or who have owned or leased property for this purpose for less than two years. As under the existing waiver law, the veteran is liable for

the tax otherwise imposed during the two years after obtaining an exemption permit if he or she does not pursue agricultural production as a trade or business during this period.

Existing law also allows DRS to issue tax exemption permits to startup farmers (those who were not engaged in the farming business in the previous year or were engaged but whose income from farming was below the \$2,500 threshold) under somewhat similar conditions.

BACKGROUND

Agricultural Production

Under the law, “agricultural production” means engaging, as a trade or business, in:

1. raising and harvesting any agricultural or horticultural commodity;
2. dairy farming;
3. forestry;
4. raising, feeding, caring for, shearing, training, or managing livestock, including horses, bees, poultry, fur-bearing animals, or wildlife; or
5. raising and harvesting fish, oysters, clams, mussels, or other molluscan shellfish.

Farm Link Program

By law, DoAG, under the Connecticut Farm Link program, must maintain a database of farmers and landowners who intend to sell their farm operations or agricultural land. People interested in starting or expanding an agricultural business may authorize the department to enter their names, contact information, and business intentions in the database. The department must make reasonable efforts to link people with similar interests and post educational material about the program on its website. The material must include information about farm transfer and succession planning, family farm estate planning, farm transfer strategies, farm leasing, forming farm partnerships, and starting a farm business.

PA 15-149—HB 5110

Veterans' Affairs Committee

AN ACT CONCERNING A VETERANS' DAY OBSERVANCE AT THE ROCKY HILL VETERANS' HOME

SUMMARY: This act requires the veterans' affairs commissioner to hold suitable exercises in the Veterans' Home on November 11 annually (Veterans Day) to recognize the residents for their military service.

EFFECTIVE DATE: Upon passage

PA 15-246—SB 903

Veterans' Affairs Committee

AN ACT CONCERNING VETERANS' AFFAIRS

SUMMARY: This act requires the Judicial Branch, beginning January 1, 2016, to collect data on the number of armed forces members, veterans, and nonveterans who apply for, and are admitted or denied, entry into the (1) accelerated rehabilitation program, (2) pretrial supervised diversionary program for individuals with psychiatric disabilities and veterans, or (3) pretrial drug education and community service program. The data must be based on information applicants provide when they apply.

The Judicial Branch, beginning January 15, 2017, must annually submit a report detailing the data compiled for the previous calendar year to the Veterans' Affairs and Judiciary committees.

For these purposes, a “veteran” is anyone who was discharged or released under conditions other than dishonorable from active service in the U.S. Army, Navy, Marines, Coast Guard, Air Force, or any reserve component, including the National Guard performing duty under Title 32 of federal law (e.g., certain Homeland Security missions).

The act also makes technical changes.

EFFECTIVE DATE: January 1, 2016, except the technical changes are effective October 1, 2015.

BACKGROUND

Pretrial Diversionary Programs

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is subject to prosecution on the original charges.

PA 15-1, June 2015 Special Session—SB 1501
Emergency Certification

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES

SUMMARY: This act authorizes up to \$1.866 billion in each year for FYs 16 and 17 in state general obligation (GO) bonds for state capital projects and grant programs, including school construction, economic development, municipal aid, and housing development and rehabilitation programs. It also cancels or reduces \$272.5 million in GO bond authorizations and \$3 million in special tax obligation (STO) bond authorizations from prior fiscal years.

The act authorizes up to (1) \$238 million in revenue bonds over the two years for Clean Water Fund loans, (2) \$681.4 million in FY 16 and \$693.3 million in FY 17 in STO bonds for transportation projects, and (3) an additional \$2.803 billion in STO bonds from FY 16 to FY 20 for a five-year Department of Transportation (DOT) capital improvement program.

The act establishes new grant programs for municipalities that (1) jointly construct, maintain, or improve regional dog pounds or (2) undertake certain road repairs. It creates a homelessness prevention and response fund to provide forgivable loans and grants to eligible landlords. It also expands existing bond-funded grant programs for (1) general school building improvements that are not normally reimbursable by state school construction grants and (2) municipalities establishing bikeways, pedestrian walkways, or greenways.

Lastly, the act (1) increases, from \$50 million to \$100 million, the amount of bonds the Green Bank may issue that are backed by a special capital reserve fund and (2) allows UConn to make certain bond reallocations in the UConn 2000 infrastructure program to fund an electronic medical records system at the UConn Health Center.

EFFECTIVE DATE: July 1, 2015 for FY 16 bond authorizations and July 1, 2016 for FY 17 authorizations. Other sections are effective July 1, 2015, unless otherwise noted below.

§§ 1-38, 55, 57 & 223-226 — BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS AND GRANTS

The act authorizes new GO bonds for FYs 16 and 17 for the state projects and grant programs listed in Table 1. The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

The act includes a standard provision requiring that, as a condition of bond authorizations for grants to private entities, each granting agency include repayment provisions in its grant contract in case the facility for which the grant is made ceases to be used for the grant purposes within 10 years of the grantee receiving it. The required repayment is reduced by 10% for each full year that the facility is used for the grant purpose.

Table 1: GO Bond Authorizations for State Projects and Grant Programs for FYs 16 and 17

§§	AGENCY	FOR	FY 16	FY 17
<i>STATE PROJECTS AND PROGRAMS</i>				
2(a), 21(a)	Office of Legislative Management	Information technology updates, replacements, and improvements; Capitol complex equipment replacement, including updated technology for the Office of State Capitol Police; and renovations, repairs, and minor capital improvements to the Capitol and Old State House	\$1,798,500	\$344,500
2(b), 21(b)	Office of Governmental Accountability	Information technology improvements	100,000	500,000
2(c)	State Comptroller	Enhancements and upgrades to the CORE financial system	20,000,000	0
2(d), 21(c)	Office of Policy and Management (OPM)	Developing and implementing databases in the CORE financial system associated with results-based accountability	3,000,000	3,500,000
		Designing and implementing the Criminal Justice Information Sharing System	17,100,000	10,000,000
		Transit-oriented development and predevelopment activities	8,000,000	0
		Comprehensive statewide water plan development	500,000	500,000
		Information and technology capital investment program; earmarks (1) \$15 million in both FYs 16 and 17 to develop	80,000,000	76,000,000

§§	AGENCY	FOR	FY 16	FY 17
		and maintain a statewide health information exchange, including software and related equipment purchases, and (2) \$25 million in FY 16 and \$16 million in FY 17 to purchase and implement an integrated electronic medical records system at the UConn Health Center		
2(e), 21(d)	Department of Veterans' Affairs	Alterations, renovations, and improvements to buildings and grounds	700,000	550,000
		State matching funds for federal grants for renovations and code improvements to existing facilities	1,445,300	0
2(f), 21(e)	Department of Administrative Services (DAS)	Alterations and improvements to comply with the Americans with Disabilities Act (ADA)	1,000,000	1,000,000
		Supplier diversity data management system development	400,000	0
		Infrastructure repairs and improvements, including (1) fire, safety, and ADA compliance improvements; (2) improvements to state-owned buildings and grounds, including energy conservation and off-site improvements; and (3) preservation of unoccupied buildings and grounds, including office development, acquisition, renovations for additional parking, and security improvements	25,000,000	25,000,000
		Removing or encapsulating asbestos and hazardous material in state-owned buildings	10,000,000	10,000,000

§§	AGENCY	FOR	FY 16	FY 17
		Land acquisition, construction, improvements, repairs, and renovations to fire training schools	10,000,000	3,000,000
		Building acquisition and renovation for probate court offices	4,100,000	0
2(g), 21(f)	Department of Emergency Services and Public Protection (DESPP)	Alterations, renovations, and improvements to the emergency operations center in Hartford	500,000	2,000,000
		Alterations, renovations, and improvements to the Forensic Science Laboratory in Meriden	2,500,000	0
2(h)	Department of Motor Vehicles	Alterations, renovations, and improvements to buildings and grounds	1,420,000	0
2(i), 21(g)	Military Department	Alterations and improvements to buildings and grounds, including utilities, mechanical systems, and energy conservation	450,000	225,000
		State matching funds for anticipated federal reimbursable projects	3,271,500	2,883,000
		Non-motion-based simulation center construction	750,000	0
2(j), 21(h)	Department of Energy and Environmental Protection (DEEP)	Dam repairs, including state-owned dams	8,350,000	8,075,000
		Various flood control improvements, flood repair, erosion damage repairs, and municipal dam repairs	5,000,000	5,000,000
		Recreation and Natural Heritage Trust Program for recreation, open space, and resource protection and management	10,000,000	10,000,000
		Alterations, renovations, and new construction, including ADA improvements, at state parks and recreation	0	25,000,000

§§	AGENCY	FOR	FY 16	FY 17
		facilities		
21(i)	Agricultural Experiment Station	Construction and equipment for additions and renovations to the Valley Laboratory in Windsor	0	11,500,000
		Renovations and improvements to the Jenkins Laboratory greenhouses	0	200,000
2(k), 21(j)	Capital Region Development Authority (CRDA)	Alterations, renovations, and improvements to the Connecticut Convention Center and Rentschler Field	5,500,000	3,500,000
2(l), 21(k)	Department of Developmental Services (DDS)	(1) Fire, safety, and environmental improvements to regional facilities and intermediate care facilities for client and staff needs, including improvements in compliance with current codes, and (2) site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning, and other interior and exterior building renovations and additions at all state-owned facilities	7,500,000	7,500,000
2(m), 21(l)	Department of Mental Health and Addiction Services (DMHAS)	(1) Fire, safety, and environmental improvements to regional facilities and intermediate care facilities for client and staff needs, including improvements in compliance with current codes, and (2) site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning, and other interior and exterior building renovations and additions at all state-owned facilities	5,000,000	5,000,000
21(m)	State Department of	For the technical high school	0	12,000,000

§§	AGENCY	FOR	FY 16	FY 17
	Education (SDE)	system: Alterations and improvements to buildings and grounds, including new and replacement equipment, tools, and supplies necessary to update curricula; vehicles; and technology upgrades		
2(n), 21(n)	Board of Regents for Higher Education (BOR)	All colleges and universities: New and replacement instruction, research, or laboratory equipment	16,000,000	12,000,000
		All colleges and universities: Consolidating and upgrading student and financial information technology systems	20,000,000	40,000,000
		All colleges and universities: Advanced manufacturing and emerging technology programs	2,500,000	2,625,000
		All community colleges: Deferred maintenance, code compliance, and infrastructure improvements	15,500,000	10,000,000
		All universities: Deferred maintenance, code compliance, and infrastructure improvements	10,000,000	12,000,000
	Norwalk Community College:	Implementation of Phase III of the Master Plan	28,800,000	0
	Norwalk Community College:	Alterations, renovations, and improvements to the B wing building	0	5,190,000
	Capital Community College:	Alterations, renovations, and improvements to optimize space utilization	5,000,000	0
	Tunxis Community		3,000,000	0

§§	AGENCY	FOR	FY 16	FY 17
		College: Implementation of Phase III of the Master Plan		
		Asnuntuck Community College: Alterations, renovations, and improvements to expand library and student services	0	3,800,000
21(o)	Department of Correction	Alterations, renovations, and improvements to existing state-owned buildings for inmate housing, programming, staff training space, and additional inmate capacity; support facilities; and off-site improvements	0	15,000,000
2(o), 21(p)	Department of Children and Families (DCF)	Alterations, renovations, and improvements to buildings and grounds	3,828,000	2,073,000
2(p), 21(q)	Judicial Department	Alterations, renovations, and improvements to buildings and grounds at state-owned and maintained facilities	7,500,000	7,500,000
		Technology Strategic Plan Project implementation	7,500,000	7,500,000
		Exterior renovations and improvements at the Superior Courthouse in New Haven	9,000,000	0
		New furniture, equipment, and telecommunications systems for the Litchfield Judicial District courthouse in Torrington	4,400,000	0
HOUSING PROJECTS				
9, 28, 57	Department of Housing (DOH)	Housing development and rehabilitation, including improvements to various kinds of state-assisted affordable housing and housing-related financial assistance programs; requires DOH to use up to \$30 million in each FY to revitalize	135,000,000	135,000,000

§§	AGENCY	FOR	FY 16	FY 17
		moderate rental housing units in the Connecticut Housing Finance Authority's state housing portfolio		
		Homelessness prevention and response fund (see § 57 below)	15,000,000	15,000,000
GRANTS				
13(a), 32(a), 55, 223-224	OPM	Grants to private, nonprofit, tax-exempt health and human service organizations for alterations, renovations, improvements, additions, and new construction, including (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; (4) vehicle purchases; and (5) property acquisition	10,000,000	10,000,000
		Responsible Growth Incentive Fund	5,000,000	5,000,000
		Grants for purchasing body-worn recording equipment and digital data storage devices or services for law enforcement officers; earmarks (1) \$2 million to DESPP for State Police and (2) \$13 million to municipalities for local law enforcement officers	15,000,000	0
		Municipal aid grants (see § 55 below)	60,000,000	60,000,000
		Regional dog pound grant program (see §§ 223 & 224 below)	0	20,000,000
13(b), 32(b)	DAS	Grants to alliance districts for general school building improvements (see § 59 below)	50,000,000	50,000,000
13(c), 32(c)	Department of Labor	Subsidized Training and	5,000,000	5,000,000

§§	AGENCY	FOR	FY 16	FY 17
		Employment program		
32(d)	Department of Agriculture (DoAg)	Farm Reinvestment program	0	1,000,000
13(d), 32(e)	DEEP	Long Island Sound stewardship and resiliency program (1) to protect coastal marshes and other natural buffer areas and (2) for grants to increase the resiliency of wastewater treatment facilities	20,000,000	0
		Grants to municipalities to encourage low-impact design of green municipal infrastructure to reduce nonpoint source pollution	20,000,000	0
		Grants to municipalities for open space acquisition and development for conservation or recreational purposes	8,000,000	8,000,000
		Program to establish energy microgrids to support critical municipal infrastructure	0	15,000,000
		Grants for identifying, investigating, containing, removing, or mitigating contaminated industrial sites in urban areas	0	5,000,000
13(e), 32(f)	Department of Economic and Community Development (DECD)	Connecticut Manufacturing Innovation Fund; earmarks \$3.5 million in FY 16 for a grant to the Connecticut Center for Advanced Technology for researching and developing high rate laser-engineered additive manufacturing machining	20,000,000	20,000,000
		Small Business Express program	50,000,000	50,000,000
		Brownfield Remediation and Redevelopment program	20,000,000	20,000,000
		Implementing a	2,000,000	0

§§	AGENCY	FOR	FY 16	FY 17
		minority business enterprise assistance program to assist such businesses in obtaining surety bonds for capital construction projects, including bid, performance, and payment bonds; program may be run by a contracted nonprofit entity		
		Grants to nonprofit organizations sponsoring cultural and historic sites	0	5,000,000
13(f), 32(g)	DOH	Main Street Investment Fund	5,000,000	5,000,000
13(g), 32(h)	CRDA	CRDA's statutory purposes and uses; caps at \$20 million the amount of bonds that may be used to finance projects, including public infrastructure grants, in Hartford outside (1) the capital city economic development district in FY 16 and (2) CRDA's boundaries in FY 17; for FY 16, requires that at least \$10 million of the \$20 million be made available for projects in the federally designated Promise Zone	50,000,000	50,000,000
		Grant to the Tennis Foundation of Connecticut for capital improvements	1,500,000	1,500,000
32(i)	DDS	Grants to private nonprofit organizations for supportive housing	0	20,000,000
13(h), 32(j), 225, 226	DOT	Grants for port, harbor, and marina improvements, including dredging and navigational improvements; requires that at least \$5 million be made available to	17,500,000	0

§§	AGENCY	FOR	FY 16	FY 17
		Connecticut ports, harbors, and marinas other than the deep-water ports in Bridgeport, New Haven, and New London		
		Grants to municipalities for the Town-Aid-Road program	60,000,000	60,000,000
		Pothole repair assistance program (see §§ 225 & 226 below)	5,000,000	0
13(j), 32(k)	SDE	Grants for <i>Sheff</i> magnet school program start-up costs: purchasing a building or portable classrooms, leasing space, and purchasing equipment, including computers and classroom furniture; if the grant was for purchasing a building that ceases to be used as an interdistrict magnet school, the DAS and SDE commissioners must determine whether title reverts to the state or the district must reimburse the state according to a set formula	20,000,000	5,750,000
		Grants to targeted local and regional school districts for alterations, repairs, improvements, technology, and equipment in low-performing schools	6,000,000	10,000,000
		Grants to the American School for the Deaf for alterations, renovations, and improvements to the buildings and grounds	5,000,000	0
		Grants for alterations, repairs, improvements, technology, equipment, and capital start-up costs to expand	0	5,000,000

§§	AGENCY	FOR	FY 16	FY 17
		the availability of high-quality school models and assist in implementing Common Core state standards and assessments, in accordance with procedures the SDE commissioner establishes		
13(j), 32(l)	State Library	Grants to public libraries for construction, renovations, expansion, energy conservation, and handicapped accessibility	5,000,000	7,000,000
		Grants to public libraries for high-speed connections to the Connecticut Education Network	3,600,000	0
32(m)	Connecticut Port Authority	Grants for port, harbor, and marina improvements, including dredging and navigational improvements; requires that at least \$5 million be made available to Connecticut ports, harbors, and marinas other than the deep water ports in Bridgeport, New Haven, and New London	0	17,500,000

§ 55 — *Municipal Aid Grants*

The act authorizes up to \$60 million in GO bonds each year in FYs 16 and 17 to OPM for grants to municipalities through the Town-Aid-Road (TAR) program. The act specifies the amounts and recipients of the grants.

By law, the TAR program provides grants to municipalities for building, improving, and maintaining roads and bridges, and for other highway, traffic, and parking purposes, but the OPM secretary may approve a town's use of TAR funds for other purposes.

§ 57 — *Homelessness Prevention and Response Fund*

The act authorizes up to \$15 million in GO bonds each year in FYs 16 and 17 to DOH for a homelessness prevention and response fund. Under the act, the fund

provides forgivable loans and grants to landlords (1) participating in a rapid rehousing program (e.g., waiving security deposits or abating rent for a designated period) and (2) abating rent for scattered supportive housing units. The act allows DOH to retain up to 5% of the bond proceeds for administrative purposes.

Participating landlords receive loans and grants to (1) renovate multifamily homes, under the rapid rehousing program, and (2) renovate multifamily homes, fund ongoing maintenance and repair, or capitalize operating and replacement reserves, under the supportive housing rent abatement program. For both programs, renovations include building code compliance work and major improvements.

§§ 223-224 — *Regional Dog Pound Program*

The act authorizes up to \$20 million in GO bonds in FY 17 for grants to cities and towns that jointly operate regional dog pounds. A municipality qualifies for a grant if it does these things together with at least one other municipality under an interlocal agreement, which is a document that two or more municipalities must execute before jointly performing any function that they may perform separately (CGS § 7-148cc).

The OPM secretary must administer the grants, which cover up to 50% of the amount a municipality contributes during the relevant fiscal year toward constructing, maintaining, or improving a building that is suitable for operating a dog pound. Municipalities seeking a grant must apply to the OPM secretary for the grants in the time and manner he prescribes.

§§ 225-226 — *Pothole Repair Assistance Program*

The act authorizes up to \$5 million in GO bonds in FY 16 for a pothole repair assistance program that provides grants to municipalities for certain road repairs. It requires the DOT commissioner to administer the program within available appropriations. The act authorizes the grants in FY 16 to cities and towns for the excess costs they incurred in repairing or reconstructing highways and bridges, including repairing potholes, related to damage caused by winter storms or cold temperatures.

Under the act, a municipality’s excess cost is the amount by which its repair costs from November to April in FY 15 exceeded its average repair costs for the same period in FYs 12 through 14.

§§ 39-50 & 232-237 — TRANSPORTATION PROJECTS

§§ 39-50 — *FYs 16 and 17 STO Bonds*

The act authorizes up to \$681.4 million in new STO bonds in FY 16 and up to \$693.3 million in FY 17 for DOT projects, as shown in Table 2.

Table 2: STO Bond Authorizations for DOT Projects

Authorized Program Areas	FY 16	FY 17
<i>Bureau of Engineering and Highway Operations</i>		
Interstate highway program	\$13,000,000	\$13,000,000
Urban systems projects	10,138,710	12,112,100
Intrastate highway program	44,000,000	44,000,000
Environmental compliance, soil and groundwater remediation, hazardous material abatement, demolition, salt shed construction and renovation, storage tank replacement, and environmental emergency response at or near state-owned properties or related to DOT operations	17,556,000	18,535,000
State bridge improvement, rehabilitation, and replacement	33,000,000	33,000,000
Capital resurfacing and related reconstruction	75,000,000	75,000,000
Fix-it-First bridge repair program	70,000,000	70,000,000
Fix-it-First road repair program	55,000,000	55,000,000
Local Transportation Capital Program	74,000,000	74,000,000
Highway and bridge renewal equipment	20,381,280	10,381,280
Local bridge program	10,000,000	10,000,000
<i>Bureau of Aviation and Ports</i>		
Reconstructing and improving the warehouse and State Pier in New London, including improvements to the site and ferry slips	5,331,000	2,650,000
Developing and improving general aviation airports, including grants to municipal airports, other than Bradley International Airport	2,000,000	2,000,000
<i>Bureau of Public Transportation</i>		
Bus and rail facilities and equipment, including rights-of-way, other property acquisition, and related projects	205,300,000	208,100,000
<i>Bureau of Administration</i>		
Department facilities	20,719,775	25,510,000
STO bonds, cost of issuance and debt service reserve	26,000,000	40,000,000

§§ 232-237 — *Five-Year Capital Improvement Program*

The act authorizes up to \$2.803 billion in STO bonds over five years for DOT’s capital improvement program. It authorizes the bonds from FY 16 to FY 20, as shown in Table 3, for the projects listed in Table 4.

Table 3: STO Bond Authorization Schedule

<i>Fiscal Year</i>	<i>Bond Amount (millions)</i>
FY 16	\$274.85
FY 17	520.2
FY 18	551.7
FY 19	749.8
FY 20	706.0
TOTAL	\$2,802.55

Table 4: DOT Projects

<i>For the Bureau of Engineering and Highway Operations</i>
Design and engineering for Interstate 84 widening between exits 3 and 8
Design and engineering for Interstate 84 viaduct replacement in Hartford
Operational lanes for Interstate 84 interchanges 40 to 42 in West Hartford
Design and engineering for Interstate 84 and Route 8 interchange improvements in Waterbury
Design and engineering for Interstate 91, Interstate 691, and Route 15 interchange improvements
Design and engineering for Interstate 95 widening between Bridgeport and Stamford
Design and engineering, including rights-of-way for Interstate 95 widening between the Baldwin Bridge and the Gold Star Bridge
Relocate and reconfigure the Interstate 91 interchange 29 in Hartford
Rehabilitate and repair the Interstate 95 Gold Star Bridge
Reconfigure Route 7 and Route 15 interchange in Norwalk
Design and engineering for Route 9 improvements in Middletown
Urban bikeway, pedestrian connectivity, trails, and alternative mobility programs
Rehabilitate Route 15 West Rock Tunnel and interchange 59
Implement Innovative Bridge Delivery and Construction Program
<i>For the Bureau of Public Transportation</i>
Bus rolling stock for service expansions
Statewide rail rolling stock replacement program, including café cars on the New Haven Line
Continued expansion, rolling stock, and development of stations on the Hartford Line
Extend the CTfastrak bus rapid transit corridor east to Manchester
Implement a bus rapid transit corridor for Route 1 between Norwalk and Stamford
New signal system on the Waterbury branch line
Interim repairs to the SAGA moveable and Cos Cob bridges on the New Haven Line
Design, engineer, and construct a new dock yard on the Danbury branch line
Design and construct the Orange, Barnum, and Merritt 7 stations on the New Haven Line and Danbury branch line
Develop a Madison station and parking garage on Shoreline East
Study for an East Lyme (Niantic) station on Shoreline East
Design and construct a parking deck and pedestrian bridge in New Haven on the New Haven Line
Design and construct a pedestrian bridge in Stamford on the New Haven Line
Implement a real-time location and bus information system statewide
Implement a real-time audio and video system on the New Haven Line
Develop a plan to upgrade capacity and speed on the New Haven Line
Study for centralized paratransit service coordination statewide
Improvements on New Canaan branch line to increase frequency and enhance service to and from the main line, including siding, platform, and improvements to the Springdale Station

§§ 51-54, 56-67 & 238 — BOND AUTHORIZATIONS FOR STATUTORY PROGRAMS AND GRANTS

The act increases bond authorization limits for various statutory grants and purposes, and allocates new bonding for these purposes for FYs 16 and 17, as shown in Table 5.

Table 5: Statutory Bond Authorizations for FYs 16 and 17

<i>\$</i>	<i>Agency</i>	<i>Purpose/Fund</i>	<i>FY 16</i>	<i>FY 17</i>
51	OPM	Urban Action (economic and community development project grants)	\$70,000,000	\$50,000,000
52	OPM	Small Town Economic Assistance Program (STEAP)	20,000,000	20,000,000
53	OPM	Capital Equipment Purchase Fund	30,000,000	30,000,000
54	OPM	Local Capital Improvement Program (LoCIP)	30,000,000	30,000,000
56	DOH	Housing Trust Fund	40,000,000	25,000,000
58	SDE	Charter school capital expenses	0	5,000,000
60	DAS	School construction projects	530,000,000	560,000,000
61	SDE	School construction interest subsidy grants	3,000,000	2,100,000
63	DEEP	Clean Water Fund grants	47,500,000	92,500,000
64	DEEP	Clean Water Fund loans (revenue bonds)	58,000,000	180,000,000
65	DEEP	Bikeway, pedestrian walkway, and greenway grants (see below)	5,000,000	5,000,000
66	DECD	Manufacturing Assistance Act	100,000,000	100,000,000
67	SDE	School security infrastructure grant program	10,000,000	0

§§ 65 & 238 — Connecticut Bikeway, Walkway, and Greenway Grant Program

The act (1) authorizes \$5 million in GO bonds per year in FYs 16 and 17 for an existing municipal grant program for establishing bikeways, pedestrian walkways, and greenways and (2) expands the purposes of the program to allow a wider range of potential projects and grant recipients. It repeals substantially similar provisions in PA 15-190. The act expands the (1) program to cover recreational trails and (2) eligible grant recipients to include private nonprofit institutions, agencies, districts, and other organizations.

Under the act, eligible projects may include locally supported trails and trail systems, in addition to currently eligible projects (e.g., bikeways and multiuse paths established as part of the State Recreational Trails Plan). The act allows grant funds to be used for

equipment, trail amenities and facilities, parking lots, toilet buildings, signs, benches, and developing and maintaining trails and trail-related facilities for motorized and nonmotorized uses. As under existing law, grants may also be used for planning, design, land acquisition, construction, construction administration, and publications for bikeways, walkways, greenways, and multiuse trails.

By law, to be eligible for a grant, an applicant must include a 20% match from municipal, federal, other state, nonprofit, or private funds. If the application is for more than one municipality, the match requirement is 10%. The act (1) also allows in-kind services to count toward the 20% match and (2) provides the 10% match if the application is specifically for trails in more than one municipality or applicant. Additionally, the applicant must assume responsibility for maintaining the bikeways or other trails. Under prior law, the municipality was responsible.

The act increases, from up to 2% to up to 5%, the amount of the bond allocation DEEP may use to administer the program. It also requires the Connecticut Greenways Council, instead of an advisory committee of trail users and advocates, to advise DEEP on the allocation of funds. By law, the 11-member council advises the state and municipalities on planning and implementing greenways.

§ 59 — SCHOOL BUILDING IMPROVEMENT GRANTS

Existing law establishes a grant program for general school building improvements that are not normally reimbursable by state school construction grants. The act expands the school districts and range of projects eligible for the grants. It also transfers the program's administration from the SDE commissioner to the DAS commissioner, in consultation with the SDE commissioner.

Eligible Districts

Under existing law, the grants are open to priority districts (i.e., 15 districts whose students receive low standardized test scores and have high levels of poverty). The act expands it to cover alliance districts (i.e., the 30 lowest-performing districts in the state, which include the priority districts). It requires DAS to give priority to any district that includes with its grant application a life-cycle stewardship plan describing the district's investments and other past and future efforts to extend the life of its facilities and equipment.

Minimum Grants for the Largest Districts

The act requires that all grant awards to the alliance districts with the five largest populations (based on the 2010 federal census) be at least \$2 million.

Eligible Projects

By law, eligible projects are (1) restroom upgrades, including replacing fixtures; (2) door, window, boiler and other heating and ventilating component replacement; (3) replacement of internal communications systems and lockers; (4) drop ceiling replacement and installation; (5) lighting upgrades and replacement; (6) security system installation, including fencing and video surveillance devices; and (7) any other work approved by the education commissioner after justification by the district.

The act expands this list to include (1) replacement of technology systems, floors, and cafeteria equipment; (2) water supplies and drainage related to restroom upgrades; (3) energy efficient lighting system and control upgrades to increase efficiency and reduce consumption and cost; (4) entryway, driveway, parking, play area, and athletic field upgrades; (5) equipment upgrades; (6) roof repairs, including energy efficient fixtures and systems, and environmental enhancements; and (7) security equipment upgrades. The act also requires that any security equipment installations or upgrades be consistent with the School Safety Infrastructure Council's school safety infrastructure standards.

As under existing law, grants may not be used for routine maintenance such as painting, cleaning, minor or equipment repairs, or for work on the boards administrative facilities. Funded projects must be completed by the end of the fiscal year following the year of the grant.

Under prior law, districts could not use grant funds to supplant state, federal, or local funding for school building improvements. The act instead provides that they may not use grants funds to supplant local matching requirements for such funding sources.

§ 62 — CONNECTICUT STATE COLLEGES AND UNIVERSITIES (CSCU) 2020 PROGRAM

Among other things, PA 07-7, June Special Session, (1) established the Connecticut State University System (CSUS) 2020 infrastructure program and (2) required the (a) CSUS Board of Trustees (now BOR) to enter into a memorandum of understanding (MOU) with the OPM secretary and the treasurer regarding the bond issuance for the program and (b) bond commission to approve the MOU. The act deems the memorandum of understanding dated July 8, 2008, and approved by the bond commission on August 8,

2008, to incorporate changes a 2014 public act made to the program.

Among other things, PA 14-98 (§§ 50-57) (1) authorized \$103.5 million in new bonding under the CSUS 2020 program (renamed by the act as the CSCU 2020 program); (2) expanded the program to include the regional community-technical colleges and Charter Oak State College; and (3) extended it by one year to FY 19.
EFFECTIVE DATE: Upon passage

§§ 68-222, 227 & 229-230 — CHANGES TO PRIOR
BOND AUTHORIZATIONS

§§ 68-103, 105-141 & 143-220 — *GO Bond*

Cancellations and Reduction.

The act cancels or reduces all or part of prior bond authorizations for the projects and grants shown in Table 6. Authorizations are listed alphabetically by agency.

Table 6: Cancellations and Reductions in Prior GO Bond Authorizations

§§	FOR	PRIOR AUTHORIZATION	AMOUNT CANCELED
<i>Agricultural Experiment Station</i>			
134	Jenkins Laboratory alterations, renovations, and additions	\$1,300,000	\$40,000
206	Jenkins Building renovations and construction	3,500,000	128,505
<i>BOR</i>			
85	Capital Community Technical College: Campus expansion	6,000,000	500,000
136	Central Connecticut State University: East Campus infrastructure improvements, including road, site, and utility improvements	1,800,000	1,800,000
193	Community colleges: Facility alterations, renovations, and improvements, including fire safety, energy conservation, code compliance, and property acquisition	2,000,000	108,705
194	Capital Community College: Property acquisition	4,595,756	4,595,756
204	Community colleges: Facility alterations, renovations, and improvements, including fire, safety, energy conservation, and code compliance	4,000,000	42,660
217	Community colleges: Facility alterations, and improvements, including fire, safety, energy conservation, code compliance and property acquisition	2,000,000	17,009
<i>Connecticut Green Bank</i>			
191	Renewable energy and efficient energy finance program	18,000,000	10,000,000
<i>Connecticut Innovations Inc.</i>			
79	Financial aid for biotechnology and other high technology laboratories, facilities, and equipment	2,000,000	2,000,000
<i>State Library</i>			
118	Grants to public libraries for construction, renovations, expansions, energy conservation, and handicapped accessibility	3,500,000	7,604
119	Madison: Scranton Memorial Library expansion	500,000	500,000
176	Somers: Somers Library expansion	439,025	439,025
<i>DCF</i>			
98	Grants to private, nonprofit organizations to construct and renovate community youth centers for neighborhood recreation or education purposes, including the Boys and Girls Clubs of America, YMCAs, YWCAs, and community centers; also repeals earmarks for Bridgeport Police Athletic League (\$1,000,000) and Burroughs Community Center (\$750,000)	3,700,000	87,800
137	Development and construction of self-contained, secure treatment facility for girls	5,000,000	4,357,000
178	Development and construction of self-contained, secure treatment facility for girls	6,000,000	6,000,000
196	Construct a secure facility for delinquent girls ages 14-17	4,700,000	4,700,000
<i>DDS</i>			
117	Grants to private nonprofit organizations for nonresidential facility alterations and improvements	2,000,000	1,944,600
<i>DECD</i>			
87	Southside Institutions Neighborhood Alliance: Community sports complex in Hartford	1,000,000	1,000,000
96	Samuel Huntington Trust, Inc.: Capital campaign to preserve the Samuel Huntington House	70,000	70,000
97	Quinebaug Shetucket Heritage Corridor, Inc.: Planning the completion of the Airline Trail	100,000	100,000
99	Craftery Gallery, Inc.: Building purchase and necessary alterations and renovations	50,000	50,000
100	Portland: Property renovation for the Sculptors Museum and Training Center	90,000	90,000
101	Portland: Improvements and repairs to the town green gazebo and historic brownstone swing	50,000	50,000
115	Connecticut Arts Endowment Fund: Grants to be matched with private contributions from nonprofit organizations	500,000	500,000
116	Bristol: American Clock and Watch Museum renovation	1,500,000	1,500,000
120	Ansonia: Downtown development	125,000	125,000
121	Thompson: Downtown revitalization	1,000,000	1,000,000
122	East Hartford Housing Authority: Renovation of existing building into a community center at Veterans Terrace	350,000	350,000
123	Cromwell: Downtown revitalization	150,000	150,000
124	Bloomfield: Façade improvement program	500,000	500,000
153	Greenwich: Renovate existing or construct new exhibition areas, teaching spaces, and the science gallery at Bruce Museum	1,000,000	250,000
154	Norwich Free Academy: Slater Memorial Museum ADA improvements, including an elevator	800,000	800,000
155	Granby: Holcomb Farm building restoration and renovation	50,000	50,000
156	Stanley L. Richter Association for the Arts in Danbury: Roof repair, expansion, and ADA improvements	150,000	150,000
157	East Hampton: Restore and renovate Goff House	100,000	100,000
158	New Haven Museum and Historical Society: Restore and reconstruct Pardee Morris House	350,000	350,000
159	Southeastern Connecticut Economic Diversification Revolving Loan Fund	5,000,000	5,000,000
160	Fuel diversification grant program	1,500,000	1,500,000
161	New Britain Stadium: New scoreboard, production equipment, and related software, and repairs and upgrades to suites	500,000	500,000
124	Bloomfield: Façade improvement program	500,000	500,000
153	Greenwich: Renovate existing or construct new exhibition areas, teaching spaces, and the science gallery at Bruce Museum	1,000,000	250,000
154	Norwich Free Academy: Slater Memorial Museum ADA improvements, including an elevator	800,000	800,000

\$\$	FOR	PRIOR AUTHORIZATION	AMOUNT CANCELED
162	Southington: Southington Drive-In renovations	250,000	250,000
163	Hamden: Whitneyville Center streetscape improvements	390,000	390,000
164	Southington: Road relocation, utility upgrades, new service facilities, and other improvements related to Lake Compounce Water Park expansion	3,300,000	3,300,000
165	Farmington: Complete portion of a trail in Rails to Trails	65,000	15,000
166	Portland: Sidewalk repairs	200,000	200,000
167	Newington: Community center	750,000	750,000
168	Stratford: Streetscape improvements	250,000	250,000
184	Mystic: Improve transportation access at the north gate at the Museum of America and the Sea at Mystic Seaport	750,000	750,000
185	Torrington: Develop and construct the Warner Theatre Stage House	750,000	750,000
186	Stanley L. Richter Association for the Arts in Danbury: Roof repair, expansion, and ADA improvements	150,000	150,000
187	Southeastern Connecticut Economic Diversification Revolving Loan Fund	5,000,000	5,000,000
188	Biofuel Production Facility Incentive program	3,500,000	3,500,000
189	New Haven: River Street development project	2,250,000	2,250,000
210	Establish an electronic business portal	1,000,000	1,000,000
212	Connecticut Housing Finance Authority: Emergency Mortgage Assistance Program	60,000,000	20,000,000
213	Purchase of urban and industrial sites reinvestment tax credit eligibility certificates	40,000,000	40,000,000
<i>DEEP</i>			
69	Yantic River flood control project in Norwich and Franklin	2,700,000	1,200,000
70	Special contaminated property remediation and insurance fund	5,000,000	1,000,000
91	East Hartford: Capping the East Hartford landfill	900,000	900,000
92	Norwalk River Rowing Association, Inc.: Boathouse construction	250,000	250,000
93	Putnam: Murphy Park improvements	250,000	250,000
94	Thompson: Hydroelectric feasibility study	250,000	250,000
95	Rocky Hill: Elm Ridge Park skate park improvements	100,000	100,000
108	East Hartford: Capping the East Hartford landfill	900,000	900,000
109	Scotland: Recreational facility improvements	250,000	250,000
110	Canterbury: Recreational facility improvements	250,000	250,000
111	Thompson: Recreational facility improvements	250,000	232,600
112	Wallingford: Public school athletic field renovations	525,000	275,000
113	Chaplin: Garrison Park playscape replacement	50,000	50,000
114	Bristol: Rockwell Park rehabilitation and renovation	3,000,000	2,500,000
143	New Britain: Replacing Brooklawn Street Bridge on Willow Brook	300,000	300,000
144	Connecticut Institute of Water Resources: River basins study	500,000	500,000
145	North Branford: Swatchuk property development for active and passive recreation	439,025	439,025
146	Thomaston: Extend water main in Jackson Street area	1,756,100	1,756,100
147	Wolcott: Retire debt associated with water line installation	500,000	100,000
148	Simsbury: Tariffville section infrastructure improvement	200,000	200,000
149	Danbury: Acquire Terre Haute property for open space	2,000,000	2,000,000
150	Trumbull: Open space and Great Oak Park trail development	50,000	20,000
151	South Windsor: Purchase or construct a regional animal shelter	500,000	500,000
152	Preston: Demolish former Poquetanuck School	250,000	87,500
182	Simsbury: Open space acquisition and farmland preservation at Meadow Wood	500,000	450,000
183	Guilford: East River Preserve	2,000,000	2,000,000
199	Energy efficiency fuel oil furnace and boiler replacement, upgrade, and repair program	10,000,000	5,000,000
201	Contain, remove, or mitigate identified hazardous waste disposal sites	10,000,000	5,000,000
216	Recreation and Natural Heritage Trust Program for recreation, open space, and resource protection and management	10,000,000	5,000,000
219	Energy microgrids to support critical municipal infrastructure	15,000,000	10,000,000
<i>DESPP</i>			
106	South Fire District: Middletown fire station renovations	475,000	475,000
107	Stamford: Radio systems to improve police and fire department communications	500,000	500,000
140	Quinebaug Valley Emergency Communications Center: Land acquisition and construction	2,950,000	2,950,000
141	North Stonington: Firehouse improvements	250,000	250,000
180	Somers: Two fire substations	439,025	439,025
203	Programmatic study of State Police troops and districts and developing a design prototype for troop facilities	1,000,000	1,000,000
215	Design, construct, and equip a consolidated communications center at Middletown headquarters	4,000,000	3,835,000
<i>DMHAS</i>			
72	Design and install sprinkler systems in direct patient care buildings, including related fire safety improvements	3,500,000	1,115,800
76	Alterations, renovations, additions, and improvements, including new construction, according to DMHAS master campus plan	1,000,000	113,407

§§	FOR	PRIOR AUTHORIZATION	AMOUNT CANCELED
<i>DoAg</i>			
181	Biofuel Crops program for grants to farmers, agricultural nonprofit organizations, and farm cooperatives to cultivate and produce crops used to generate biofuels	1,000,000	1,000,000
<i>DOH</i>			
132	Energy Conservation Loan Fund (Prior authorization was \$5 million annually. The act terminates the authorizations as of FY 10)	5,000,000 annually	30,000,000 (\$5 million per year from FYs 10-15)
220	Nursing home alterations, renovations, and improvements for conversion to other uses in support of right-sizing	10,000,000	10,000,000
<i>DOT</i>			
131	Southington: Reconstruct intersection of Marion Avenue and Mount Vernon Road	150,000	150,000
<i>Department of Public Health</i>			
169	Community Health Center, Inc.: Renovate and improve Groton facility	500,000	500,000
170	KB Ambulance Corporation: Building additions and alterations in Danielson	465,000	465,000
<i>DSS</i>			
102	Plainfield: Plainfield High School Annex Building conversion to municipal community center	180,000	180,000
103	West Hartford: Senior center relocation	500,000	500,000
125	Grants to municipalities and nonprofit organizations for facility improvements and minor capital repairs to licensed school readiness programs and state-funded day care centers they operate	2,000,000	2,000,000
126	Newington: Mortensen Community Center gymnasium improvements	220,000	220,000
127	Stratford: South End Community Center planning and construction	750,000	750,000
128	United Services of Dayville: Facility alterations and expansion	750,000	750,000
129	East Hartford YMCA: Capital building improvements	300,000	300,000
130	Mystic Area Shelter and Hospitality, Inc.: Renovations and improvements	50,000	50,000
171	Brookfield: Expand senior center, including computer equipment	439,025	439,025
172	Action for Bridgeport Community, Inc.: Acquire and renovate property for an early learning center	1,000,000	1,000,000
173	Mi Casa, Hartford: Renovate and acquire equipment for wellness center	300,000	300,000
174	Nonprofit organizations in Waterbury: Facility alterations, renovations, and improvements, including new construction, with up to (1) \$2 million for the St. Margaret Willow Plaza Neighborhood Revitalization Zone Association, Inc. and (2) \$500,000 for the Hispanic Coalition of Greater Waterbury, Inc.	2,500,000	2,500,000
175	Jewish Community Center of Eastern Fairfield County: Facility upgrades, asbestos removal, and HVAC replacement	1,000,000	1,000,000
<i>Judicial Department</i>			
82	Development of criminal/juvenile courthouse in New Haven	15,000,000	10,000,000
138	Study of current and future space needs at Manchester area courthouse	50,000	50,000
205	Security improvements at various state-owned and -maintained facilities	1,000,000	1,000,000
208	Security improvements at various state-owned and -maintained facilities	1,000,000	1,000,000
<i>OPM</i>			
209	Intertown Capital Equipment Purchase Incentive program	20,000,000	10,000,000
<i>SDE</i>			
74	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction	10,000,000	594,291
77	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction	5,000,000	800,000
81	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction	5,000,000	5,000,000
84	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction and fire alarms	1,000,000	1,000,000
89	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction and fire alarms	5,000,000	5,000,000
135	American School for the Deaf: Alterations, renovations, and improvements to buildings and grounds, including new construction and portable classrooms	1,300,000	1,300,000
190	Municipalities, regional school districts, and regional education service centers: Wiring school buildings	2,000,000	217,307
198	Grants to SDE-accredited alternative education providers for students aged 14-21 to acquire property, and for facility design, planning, construction, or renovation	2,000,000	2,000,000

§§ 104, 142, 227 & 229-230 — *Language Changes for Existing Authorizations*

The act changes the purposes of several existing bond authorizations, as indicated in Table 7.

Table 7: Language Changes for Existing Bond Authorizations

§	Amount Authorized	Agency	Prior	Enacted Change
104	\$250,000	DOT	Middlefield: Mattabesock Bridge improvements	Middlefield: Bridges, roads, and infrastructure
142	487,805	DEEP	Lakes Restoration program; earmarks up to \$87,805 for Lake Beseck in Middlefield and up to \$200,000 for Pattagansett Lake in East Lyme	Facility and property improvements at latitude 41.5720414 and longitude - 73.0401073 (i.e., Fulton Park in Waterbury)
227	2,000,000	DECD	Meriden: West Main Street streetscape project	Specifies that the project is from Cook Avenue to Amtrak railroad tracks
229	6,000,000	Department of Rehabilitation Services (DORS)	Grants to provide home modifications and assistive technology devices related to aging in place	Specifies that the grants are for programs providing such services and devices, which may be run by a nonprofit organization under contract with DORS
230	30,000,000	DPH	Grants to community health centers and primary care organizations for renovation, improvement, and expansion of facilities, including land or building acquisition and purchasing equipment; earmarks up to \$15 million for member centers affiliated with the Community Health Center Association of Connecticut and \$15 million for Community Health Center, Inc.	Eliminates earmark for Community Health Center, Inc.

§§ 221-222 — *STO Bond Cancellation*

The act cancels a \$3 million STO bond authorization for DOT’s Bureau of Engineering and Highway Operations to reconfigure an existing ramp off of the Merritt Parkway in Westport.

§ 228 — GREEN BANK BONDS

The act increases, from \$50 million to \$100 million, the amount of bonds the Green Bank may issue

that are backed by a special capital reserve fund (SCRF).

SCRF-backed bonds are contingent liabilities of the state; if a SCRF is exhausted, the General Fund automatically replenishes it, regardless of the state spending cap.

§ 231 — ELECTRONIC MEDICAL RECORDS SYSTEM AT THE UCONN HEALTH CENTER

The act allows UConn, by a vote of its board of trustees, to revise, delete, or add a particular project or projects in its UConn 2000 infrastructure program to finance the implementation of an electronic medical records system at the UConn Health Center. Any such revisions, deletions, or additions must be (1) within statutorily authorized funding amounts and (2) included in UConn’s annual reports to the Finance, Commerce, and Higher Education committees.

The act’s provisions supersede existing law on UConn 2000 bond reallocations, which generally authorizes it to revise projects by a vote of the trustees, if the revisions are consistent with the projects intent, but requires legislation to add or delete a project.

PA 15-2, June 2015 Special Session—HB 7104
Emergency Certification

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017 CONCERNING GENERAL GOVERNMENT PROVISIONS RELATING TO CRIMINAL JUSTICE

SUMMARY: This act replaces the prior penalty structure for drug possession crimes, which punished possession of most types of illegal drugs as felonies. It creates a new structure that punishes possession of half an ounce or more of marijuana or any amount of another illegal drug as a class A misdemeanor but allows the court to (1) suspend prosecution for a second offense and order treatment for a drug dependent person and (2) punish third-time or subsequent offenders as persistent offenders, which subjects them to the penalties for a class E felony (see Table on Penalties). It also reduces the enhanced penalty for drug possession near schools or day care centers from a two-year mandatory prison sentence to a class A misdemeanor with a required prison and probation sentence.

Among other things, the act:

1. reduces the size of the Board of Pardons and Paroles from 20 to between 10 and 15 members, while increasing the number of members who serve full-time from six to 10;

2. allows board members to serve on both parole and pardons panels;
3. allows the board to consider an inmate for release on parole after an evaluation, but without a hearing, if he or she was convicted of a non-violent crime and the board does not know of any victim of the crime;
4. expands the board chairman’s authority, in consultation with the board’s executive director, to adopt regulations on an expedited pardons review process;
5. requires the board to (a) develop a pardon eligibility notice explaining the pardons process and (b) provide the notice to people when they are sentenced; are released from the Department of Correction (DOC); and complete parole, probation, or conditional discharge;
6. requires the Judicial Branch’s Office of Victim Services (OVS) to notify victims registered with the board about parole hearings, notify victims and the public about how victims can register for hearing notices, and provide notice or seek to locate certain victims; and
7. makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015, except the provisions on (1) board membership and panels and expedited pardons requirements take effect June 30, 2015 and (2) pardon eligibility notices, parole release without a hearing, panel members certifying to reviewing documentation, and victim notices are effective July 1, 2015.

§§ 1-8, 19, & 21 — DRUG POSSESSION CRIMES

Drug Possession Penalties

The act replaces the prior penalty structure for drug possession crimes, which punished most types of illegal drug possession as felonies. Under the act’s new penalty structure, possessing half an ounce or more of marijuana or any amount of another illegal drug is a class A misdemeanor, but the court can:

1. suspend prosecution for a second offense if the person is drug dependent and the court orders substance abuse treatment and
2. sentence a third-time or subsequent offender as a persistent controlled substance possession offender, a new designation created by the act, which is punishable by a class E felony prison sentence.

Table 1 shows the prior penalties for the drug possession crimes that the act replaces with the new penalty structure described above (provisions on drug possession on school or day care property are discussed separately below, and possessing less than half an ounce

of marijuana is not punishable as a crime (see BACKGROUND)).

Table 1: Drug Possession Penalties under Prior Law That Are Replaced by the Act’s New Penalty Structure

Possession Crime	Penalties under Prior Law
Narcotics (i.e., heroin, cocaine, and crack)	First offense: up to seven-year prison term, up to \$50,000 fine, or both Second offense: up to 15-year prison term, up to \$100,000 fine, or both Subsequent offenses: up to 25-year prison term, up to \$250,000 fine, or both Alternative sentence: up to three-year indeterminate prison term with conditional release by DOC commissioner
Four ounces or more of marijuana or any quantity of other hallucinogens	First offense: class D felony Subsequent offenses: class C felony Alternative sentence: up to three-year indeterminate prison term with conditional release by DOC commissioner
Any other illegal drug or at least a half ounce but less than four ounces of marijuana	First offense: up to one-year prison term, up to \$1,000 fine, or both Subsequent offenses: class D felony Alternative sentence for subsequent offenses only: up to three-year indeterminate prison term with conditional release by DOC commissioner

The act extends eligibility for release to home confinement by the DOC commissioner to inmates sentenced for any type of drug possession crime. Previously, this type of release was only available to those sentenced for possessing a half ounce to four ounces of marijuana or any quantity of controlled substances that are not narcotics or hallucinogens. By law, released offenders cannot leave their homes without authorization; DOC can require electronic monitoring, drug testing, and other conditions; and offenders can be returned to prison for violating release conditions.

By reducing the penalty from a felony to a misdemeanor for drug possession as described above (except for those sentenced as persistent offenders), the act eliminates certain consequences of a conviction. For example, a felon:

1. loses his or her right to vote and hold office while incarcerated or on parole but later can have those rights restored (CGS §§ 9-46 and -46a);
2. is disqualified from jury service for seven years (CGS § 51-217); and
3. could have his or her felony conviction considered as a factor in denying, suspending, or revoking certain state-issued professional licenses and credentials, such as those for many health care providers, professional bondsmen, and electricians.

However, the act does not change certain consequences of a conviction of these types of drug possession and cannot be construed to do so, including provisions:

1. allowing the Police Officer Standards and Training Council (POST) to cancel or revoke a POST-certified officer's certificate and
2. making a person ineligible for a state permit to carry a pistol or revolver or an eligibility certificate for a pistol, revolver, or long gun (The act also makes conforming changes to criminal possession of a pistol, revolver, firearm, ammunition, or electronic defense weapon.) (§§ 2-7 & 21).

The act also does not affect the authority of the appropriate commissioner, based on a drug possession conviction, to refuse to issue, suspend, or revoke a family day care home license, an approval for a family day care home staff member, a bail enforcement agent license, or a surety bail bond agent license (§§ 2-7 and CGS §§ 19a-87e, 29-152f, and 38a-660).

By reducing the penalty for these crimes to a class A misdemeanor (except for those punished as persistent offenders), the act no longer allows a juvenile charged with one of these crimes to be tried in adult court and sentenced as an adult. Previously, a prosecutor could request a hearing on whether to transfer a case involving a juvenile charged with felony drug possession from juvenile court to Superior Court (CGS § 46b-127).

Drug Possession Near School or Day Care Property

Prior law enhanced the penalty for committing one of the possession crimes described in Table 1 within 1,500 feet of (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed day care center identified as such by a sign posted in a conspicuous place. The penalty was a mandatory two-year prison term running consecutively to the prison term imposed for the underlying possession crime, but a judge could depart from the mandatory sentence under certain circumstances.

The act changes the penalty to a class A misdemeanor and requires a judge to impose a sentence that includes prison and probation. The act requires that, as a condition of probation, the offender perform community service in a manner the court orders.

Effect on Other Crimes

The act specifies that the act and existing law's provisions on drug possession crimes do not alter or modify the meaning of the provisions punishing manufacturing, distributing, selling, prescribing, compounding, transporting with intent to sell or dispense, possessing with intent to sell or dispense, offering, giving, or administering to a person illegal drugs.

§ 9 — BOARD OF PARDONS AND PAROLES MEMBERS AND PANELS

Under prior law, the Board of Pardons and Paroles consisted of 20 members, with six full-time members (including the chairman) and 14 part-time members.

On July 1, 2015, the act reduces the board's membership from 20 to between 10 and 15. It does so by increasing the number of full-time board members from six to 10, ending the terms of part-time members on June 30, 2015, and reducing the number of part-time members from 14 to a maximum of five, as determined by the governor.

The act retains most of the existing appointment procedures including qualifications for members, appointing members as either full-time or part-time, referring nominations to the Judiciary Committee, and approval by both houses of the legislature. But the act:

1. allows the governor, through September 1, 2015, to appoint someone as a part-time member without legislative approval if the appointee was a part-time member whose term ended under the act's provisions on June 30, 2015 and
2. no longer requires designating appointees as parole or pardons panel members (previously 12 appointments served on parole panels, seven served on pardons panels, and the chairman could serve on both; the act removes the restriction on serving on both types of panels).

As under prior law, a parole panel must consist of two members and the chairman or a full-time member designated by the chairman. Beginning January 1, 2016, the act increases, from two to three, the number of panel members that must be present at a parole hearing.

The act also specifies that any decision of the board or a panel must be by a majority of those present.

By law, board members must be trained in the criminal justice and parole systems, including factors in granting parole, victims' rights and services, reentry strategies, risk assessment, case management, and mental health issues. The act requires members to undergo training annually.

§§ 9, 11-13, & 16 — PAROLE DECISIONS WITHOUT A HEARING

Eligibility

The act creates a procedure to allow the board to consider certain inmates for release on parole without a hearing. This applies to an inmate who:

1. was not convicted of a crime involving a victim known to the board who was injured or killed (a) in a crime or criminal attempt or (b) while attempting to prevent a crime, apprehend

- a suspect, or assist a police officer in apprehension;
2. was not convicted of a violent crime or certain other crimes, including 2nd degree burglary, 1st degree stalking, and criminally negligent homicide; and
 3. is not prohibited from parole for any other reason.

Generally, inmates eligible for release under the act's procedures could be released on parole under existing law after serving half of their cumulative sentences. They can also be released within six months of the end of their sentences if they agree to be subject to DOC supervision for one year and to be returned to prison for the unexpired term of their sentences for violating parole conditions.

Procedures

Under the act, a board member or certain board employees can evaluate a person's parole eligibility without a hearing by (1) using risk-based structured decision making and release criteria under the board's policies and (2) reviewing an inmate's offender accountability plan, including the environment to which the inmate plans to return. An employee can only conduct this evaluation if he or she is qualified by education, experience, or training in administering community corrections, parole, pardons, criminal justice, criminology, offender evaluation or supervision, or providing offenders with mental health services.

The act requires the board's chairman to present a member's or employee's parole recommendation to a parole release panel for approval after making reasonable efforts to obtain all information pertinent to the decision and certifying that it has been obtained or is unavailable. After he does so, the panel determines whether the person is suitable for release on parole.

The act prohibits granting parole under these procedures unless board members and officers reviewing the inmate's file certify that they reviewed the recommendations and information.

§ 9 — EXPEDITED PARDONS PROCESS

The act expands the board chairman's authority, in consultation with the board's executive director, to adopt regulations for an expedited pardons process.

Prior law required the chairman, in consultation with the executive director, to adopt regulations to allow people to receive a pardon without a hearing, unless a victim requests one, if the person was:

1. convicted of a misdemeanor and (a) it is no longer a crime, (b) he or she was under age 21 at the time of the conviction and has no convictions during the five years before

receiving the pardon, or (c) he or she was convicted before pretrial programs were created that the person would likely have been eligible for and participated in or

2. (a) convicted of illegal drug manufacture, distribution, sale, prescription, or dispensing; illegal drug manufacture, distribution, sale, prescription, or dispensing by a non-drug-dependent person; or illegal drug possession; (b) not convicted during the five years before receiving the pardon; and (c) convicted and released from prison at least 10 years earlier.

The act expands the expedited pardons process to allow anyone convicted of a nonviolent crime to receive a pardon without a hearing unless a victim requests one.

§ 10 — PARDON ELIGIBILITY NOTICE

The act requires the board to develop, by January 1, 2016, a pardon eligibility notice that explains the pardons process. The board must work with the Judicial Branch and DOC to provide the notice whenever a person is sentenced by the court; released from DOC, including on pretrial release; and completes parole, probation, or conditional discharge. The board must update the notice as necessary.

§§ 14 & 15 — PAROLE HEARING FOR VIOLENT OFFENDERS

By law, the board can hold a parole hearing for someone convicted of a violent crime and eligible for release after that person has served 85% of the sentence. The law specifies the standard a board employee or panel must use when assessing the inmate.

The act prohibits holding a hearing for one of these inmates unless the parole panel has the person's complete file, including DOC documents, the trial transcript, the sentencing record, and records of any prior parole hearing for the inmate. Panel members must certify their review of the documents in preparation for the hearing.

§§ 17 & 18 — VICTIM NOTIFICATION OF PAROLE HEARINGS

The act requires OVS to notify victims registered with the board when the board schedules a parole hearing for an inmate. The notice must provide the time, date, and location of the hearing and include information that the victim can make a statement at the hearing or submit a written statement, as allowed by existing law. At a hearing, the act requires the record to reflect that the office took all reasonable efforts to notify registered victims.

The act also requires the office to provide victims and the general public with information about how victims may register for hearing notices from the board.

For any inmate sentenced for felony murder before July 1, 1981 who is scheduled to appear before the board, the act requires the office to:

1. work with the board to find and notify victims and their families of the parole hearing's date, time, and location and
2. if a victim is a peace officer who is deceased, provide the notice to the chief law enforcement officer in the town where the crime occurred.

BACKGROUND

Possessing Less than Half an Ounce of Marijuana

By law, possessing less than a half ounce of marijuana is punishable by a:

1. \$150 fine payable by mail like an infraction for a first offense;
2. \$200 to \$500 fine payable by mail like an infraction for subsequent offenses (three-time violators must attend drug education at their own expense); and
3. 60-day suspension of the driver's license or nonresident operating privileges of anyone under age 21 who is convicted of a violation (if the person does not have a license, he or she is ineligible for one for 150 days after meeting all licensing requirements)(CGS §§ 14-111e and 21a-279a).

PA 15-3, June 2015 Special Session—HB 7102 *Emergency Certification*

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS

SUMMARY: This act authorizes the Department of Administrative Services (DAS) commissioner to enter into grant commitments on the state's behalf for 18 new school construction projects. It authorizes state grants totaling \$181.2 million for total project costs of \$296.5 million. It also reauthorizes and increases grant commitments, due to cost and scope changes, for:

1. six previously authorized local projects with a total increased grant commitment of \$50.2 million and
2. three previously authorized technical high school projects with a total increased grant commitment of \$248 million.

Under the state school construction grant program, the state (1) reimburses towns and local districts for a percentage of eligible school construction costs (with less wealthy towns receiving a higher reimbursement percentage) and (2) pays 100% of technical high school costs. (The state administers and pays for all aspects of the Connecticut Technical High School System (CTHSS).)

The act also allows DAS to place a project on the school construction priority list before a town secures funding authorization for its share of the project costs or schedules a referendum to approve the funding and submits the results to DAS before November 15 of the application year.

The act also requires DAS to (1) develop a standard checklist for school construction projects that includes testing for two common carcinogens and (2) establish a school building project clearinghouse to publicly share DAS-approved school project designs, plans, and specifications.

The act exempts specified school construction projects from various statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) qualify for additional grants through a higher level of reimbursement, (3) increase maximum project costs of previously approved projects, or (4) change the scope of previously approved projects.

These exemptions are referred to as "notwithstanding" provisions.

EFFECTIVE DATE: (1) Upon passage for the construction grant commitment provisions and the construction notwithstanding provisions and (2) July 1, 2015 for the notwithstanding provision for the Linden Street School project in Plainville and all other provisions.

§ 1 — NEW AUTHORIZATIONS AND PREVIOUSLY AUTHORIZED PROJECTS WITH CHANGES

Table 1 shows the new school construction projects the act authorizes. Tables 2 and 3 list changes in previously authorized school and technical high school projects.

Table 1: New School Construction Projects Authorized

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>State Reimbursement</i>
South Windsor	Orchard Hill Elementary School	New construction	\$33,521,724	\$11,611,925	34.64%
Stamford	Rogers Magnet Extension	Magnet school facility purchase	77,312,385	61,849,908	80
CREC	Aerospace Elementary	Magnet new construction, site purchase	61,572,181	49,257,745	80
Goodwin College	Goodwin College Early Childhood Magnet School	Magnet new construction	19,935,061	15,948,049	80
North Haven	North Haven Middle School	Extension, alteration, and roof replacement	69,814,452	27,674,449	39.64
Simsbury	Squadron Line School	Alteration	1,050,000	345,030	32.86
Simsbury	Henry James Memorial School	Alteration and code violation	1,055,000	346,673	32.86
Region 1	Housatonic Valley Regional High School	Alteration	318,198	137,493	43.21
Clinton	Jared Eliot School	Alteration and energy conservation	600,000	267,840	44.64
New Canaan	South School	Alteration and energy conservation	2,533,367	515,794	20.36
New London	Bennie Dover Jackson Middle School	Energy conservation	1,989,963	1,549,385	77.86
Old Saybrook	Kathleen E. Goodwin School	Energy conservation	1,610,243	454,250	28.21
Windham	W. B. Sweeney School	Energy conservation	100,000	79,290	79.29
Windham	Windham Middle School	Energy conservation	1,720,000	1,363,788	79.29
Windsor Locks	Windsor Locks High School	Energy conservation	7,555,000	4,101,610	54.29
Woodbridge	Beecher Road School	Alteration, roof replacement, and energy conservation	13,345,000	3,717,917	27.86
ACES	ACES Village School	Regional special education and energy conservation	1,231,748	985,398	80
ACES	ACES Mill Road School	Regional special education and energy conservation	1,223,678	978,942	80
Total	18 projects		296,488,000	181,185,486	

Table 2: Previously Authorized School Construction Projects with Substantial Changes in Scope or Cost

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Previous Grant Authorization</i>	<i>New Grant Authorization</i>	<i>Change</i>
Bridgeport	New Harding High School	New construction	\$61,202,581	\$83,394,541	\$22,191,960
Bridgeport	Central High School	Extension, alteration, and roof replacement	57,420,953	67,588,300	10,167,347
Naugatuck	Naugatuck High School	Renovation and extension	58,475,925	59,325,000	849,075
Naugatuck	Central Administration	Board of education administration facility, renovation	1,137,038	712,500	(424,538)
CREC	CREC Discovery Academy	Magnet school facility purchase, extension, and alteration	33,891,250	49,444,055	15,552,805
ACES	ECA- Little Theatre	Magnet school extension and alteration	6,636,823	8,511,604	1,874,781
Total	Six projects		218,764,570	268,976,000	50,211,430

Table 3: Previously Authorized Technical High School Construction Projects with Substantial Changes in Scope or Cost

<i>District</i>	<i>School & Town</i>	<i>Project</i>	<i>Previous Grant Authorization</i>	<i>Requested Grant Authorization</i>	<i>Change</i>
CTHSS	Bullard-Havens (Bridgeport)	Extension and alteration	\$27,331,000	\$60,383,000	\$33,052,000
CTHSS	Windham (Windham)	Extension and alteration	42,051,000	151,294,981	109,243,981
CTHSS	Vinal (Middletown)	Extension and alteration	51,076,000	156,825,315	105,749,315
Total	Three projects		120,458,000	368,503,296	248,045,296

§ 2 – CONSTRUCTION PROJECT CHECKLIST

The act requires DAS, by October 1, 2015, to develop a standard checklist for school building construction projects. The checklist must at least include testing for polychlorinated biphenyls (PCB) and asbestos. Starting October 1, 2015, DAS must assess any school building construction project receiving state funding for compliance with the checklist.

§ 3 – SCHOOL BUILDING PROJECT CLEARINGHOUSE

The act requires DAS to establish a clearinghouse for collecting and distributing school building project designs, plans, and specifications. The clearinghouse must include a publicly accessible database for collecting and storing these documents.

The act specifies that any architect or professional engineer registered or licensed to practice in the state may submit designs, plans, and specifications for posting in the clearinghouse. The licensed architect of record or professional engineer of record retains ownership and liability for any designs, plans, or specifications he or she submits to the clearinghouse.

§ 4 – SECURING THE LOCAL SHARE OF A SCHOOL CONSTRUCTION PROJECT

Prior law prohibited DAS and the education commissioner from accepting an application for a school building project unless the applicant had secured funding authorization for the local share of the project costs, which is typically approved in a local referendum. The act allows the DAS commissioner to add a project that lacks approval to the construction priority list (the list that becomes the school construction act) if (1) the applicant has scheduled and prepared a referendum, if necessary to approve local funding, and (2) the referendum results are submitted to DAS by November 15 of the application year.

The act specifies that the commissioner can add projects that have local approval to the priority list only if the local authorization is effective under the general statutes and local ordinance or charter.

The act also deletes references to the education commissioner. (Several years ago the duty of preparing the list was transferred to the DAS commissioner.)

§§ 5-9 – SCHOOL SAFETY INFRASTRUCTURE COUNCIL

The act expands the School Safety Infrastructure Council membership from 10 to 11 by adding a second gubernatorial appointee, who must be a licensed architect. Six of the other members are appointed by legislative leaders and three are ex officio members.

The act requires the council to develop and update school safety infrastructure standards, instead of criteria, for all school construction projects. It leaves unchanged all the council's existing responsibilities. By law, the administrative services commissioner chairs the council, which must annually submit the infrastructure criteria to the commissioners of education and emergency services and public protection, School Building Projects Advisory Council, and Education and Public Safety and Security committees.

§§ 10-62 – SCHOOL CONSTRUCTION PROJECT EXEMPTIONS AND MODIFICATIONS

The act exempts specified school construction projects from various statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) qualify for additional grant amounts through a higher level of reimbursement, (3) increase maximum project costs of previously approved projects, or (4) change the scope of previously approved projects.

Table 4 indicates the act section and summarizes each exemption (i.e., “notwithstanding”) and any applicable conditions. Different types of projects (e.g., new construction and renovation) have different reimbursement rates.

Table 4: 2015 School Construction Notwithstanding

Act §	Municipality/ Grantee	School & Project	Exemption, Waiver, or Other Change
10	New Haven	Common Ground High School, extension and alteration	<ul style="list-style-type: none"> Increases the maximum project cost from \$7,450,000 to \$9,750,000 Deems that the increase in maximum project cost (above) will not count toward the limit on the number of times a project may be submitted to the legislature for a change in cost or scope, provided plans and specifications are submitted to DAS Permits private, federal, or state funds (other than school construction funds) to be used for the project without any deduction from the school construction reimbursement amount Requires private, federal, and non-school construction state money received that exceeds the local share of project costs to be used for the educational purposes of the school
11	New Haven	Bowen Field, construction of outdoor athletic facility with lighting	<ul style="list-style-type: none"> Expands project authorization to cover installation of synthetic surfaces Eliminates the requirement that private, federal, or state funds (other than school construction funds) used for the project will be deducted from the total project costs eligible for school construction reimbursement Expands permitted use of private, federal, and state funds (other than school construction) to be used for demolition and other supplemental purposes in addition to PCB removal
12	New Haven	Helene Grant School, new construction	Increases the maximum project cost from \$41.6 million to \$48.6 million
13	New Haven	Central administration offices, new construction	Increases the maximum project cost from \$1.4 million to \$2.4 million
14	New Haven	New Haven Academy, alteration	Increases the maximum project cost from \$40 million to \$44 million
15	New Haven	Strong 21 st Century Communications Magnet School, new construction	Extends the deadline for New Haven to file application from June 30, 2015 to June 30, 2016
16	New Haven	Worthington Hooker School, alteration and roof replacement	Waives standard competitive bidding process requirements and instead allows submission of public advertisements for each subcontract and signed affidavit from construction manager to serve as proof that contracts were publicly bid and awarded to the lowest qualified bidder
17	New Britain	Gaffney School, renovation	Changes project designation from extension and alteration to renovation, triggering a higher state reimbursement level
18	Hartford	Sport and Medical Sciences Academy, magnet new construction	Waives deadline for submitting change orders that would otherwise be late and therefore not reimbursable, provided orders are reviewed and approved by DAS
19	Hartford	University High School of Science and Engineering, magnet new construction	Waives deadline for submitting change orders that would otherwise be late and therefore not reimbursable, provided orders are reviewed and approved by DAS
20	Hartford	Asian Studies Academy at Bellizzi School; extension, alteration, and roof replacement	Waives the square-feet-per-pupil space standard
21	Hartford	Journalism and Media Academy Magnet School; extension, alteration, and roof replacement	Waives the square-feet-per-pupil space standard
22	Hartford	Global Communications Academy, alteration and energy conservation	Waives the square-feet-per-pupil space standard
23	Barkhamsted	Barkhamsted Elementary School, energy conservation	Makes project eligible for state aid, provided costs do not exceed \$759,810, application is submitted by June 30, 2015, and is otherwise eligible
24	Watertown	Swift Middle School, renovation	Waives the square-feet-per-pupil space standard
25	Lisbon	Lisbon Central School, energy conservation	<ul style="list-style-type: none"> Makes project eligible for state aid, provided costs do not exceed \$235,200, application is submitted by November 30, 2015, and is otherwise eligible Waives the square-feet-per-pupil space standard
26	Woodbridge	Beecher Road School; alteration, roof replacement, and energy conservation	<ul style="list-style-type: none"> Permits bid prior to plan approval Waives the square-feet-per-pupil space standard
27	Bloomfield	Bloomfield High School; extension, alteration, and roof replacement	Waives the square-feet-per-pupil space standard
28	Bloomfield	Carmen Arace Middle School, alteration and roof	Waives the square-feet-per-pupil space standard

Act §	Municipality/ Grantee	School & Project	Exemption, Waiver, or Other Change
		replacement	
29	Bloomfield	Metacomet Elementary School, extension and alteration	Waives the square-feet-per-pupil space standard
30	Windsor Locks	Windsor Locks High School, energy conservation	Waives the square-feet-per-pupil space standard
31	East Windsor	Broad Brook Elementary School, extension/energy conservation	Increases project maximum cost to \$6.5 million
32	Danbury	Park Avenue School, extension and alteration	Waives repayment of funds by allowing enrollment figure of 596 when actual number is lower
33	Darien	Central offices, facility purchase and alteration	Makes project eligible for state aid, provided costs do not exceed \$6,555,205, application is submitted by June 30, 2015, and is otherwise eligible
34	New London	New London High School, new construction	Makes project eligible for state aid, provided costs do not exceed \$98,026,000, application is submitted by June 30, 2015, the education commissioner deems the district's magnet school enrollment plan reasonable, and the project is otherwise eligible
35	Litchfield	Litchfield Center School and Litchfield Intermediate School, code violations	Permits bid and project start prior to plan approval
36	New London	Magnet district	Extends the deadline for submitting the magnet school district school construction grant application to June 30, 2016
37	Stratford	Stratford High School; extension, alteration, and roof replacement	<ul style="list-style-type: none"> • Waives the square-feet-per-pupil space standard and instead permits 235,000 square foot project maximum • Makes eligible for state reimbursement the costs associated with alterations to the gymnasium, athletic rooms, and technical education rooms
38	East Hampton	East Hampton High School; extension, alteration, and roof replacement	<ul style="list-style-type: none"> • Changes project designation from extension and alteration and roof replacement to renovation, triggering a higher state reimbursement level • Waives the square-feet-per-pupil space standard and allows 119,000 square feet as the maximum square footage for the project
39	Fairfield	Fairfield Woods Middle School, extension and alteration	Waives deadline for submitting change orders that would otherwise be late and therefore not reimbursable, provided they are reviewed and approved by DAS
40	Trumbull	Middlebrook Elementary School, energy conservation and code violation	<ul style="list-style-type: none"> • Makes project eligible for state aid, provided costs do not exceed \$1,534,000, application is submitted by June 30, 2015, and is otherwise eligible • Permits bid and project start prior to plan approval
41	Newington	Martin Kellogg Middle School, alteration	Waives the square-feet-per-pupil space standard
42	Newington	John Wallace Middle School, alteration	Waives the square-feet-per-pupil space standard
43	North Haven	North Haven Middle School, extension and alteration and roof replacement	<ul style="list-style-type: none"> • Waives the square-feet-per-pupil space standard and allows 135,847 square feet as the maximum square footage for the project • Makes eligible for reimbursement the alterations to the gym, cafeteria, auditorium, and storage areas, provided the costs do not exceed \$2,052,036
44	Region 12	Shepaug Valley School, (application not yet submitted but expected to be for extension and alteration)	Requires DAS to approve project, making it eligible for reimbursement, provided application that includes projected enrollment and local funding authorization is filed by November 15, 2015 and State Department of Education approves it as a new agricultural science and technology center
45	Manchester	Bennet Middle School, extension and alteration	<ul style="list-style-type: none"> • Makes project eligible for state aid, provided costs do not exceed \$17,961,826, application is submitted by June 30, 2015, and is otherwise eligible • Expands description of project to include improvements to former Cheney School and boiler plant buildings at 39/41 School Street, including roof replacement, pedestrian connector connecting buildings to Bennet Middle School, and related improvements to create a cohesive campus • Changes project from extension and alteration to a renovation, triggering a higher state reimbursement level • Waives the square-feet-per-pupil space standard
46	Waterbury	Duggan Elementary School, renovation and extension	Waives deadline for submitting change orders that would otherwise be late and therefore not reimbursable, provided they are reviewed and approved by DAS
47	Waterbury	Reed School, new construction and site purchase	Waives deadline for submitting change orders that would otherwise be late and therefore not reimbursable, provided they are reviewed and approved by DAS
48	Hamden	Alice Peck Elementary School, extension and	Makes project eligible for reimbursement, provided costs do not exceed \$2,540,400, application is submitted by September 30, 2015, and project is

Act §	Municipality/ Grantee	School & Project	Exemption, Waiver, or Other Change
		alteration	otherwise eligible
49	Southington	Thalberg Elementary School; extension and alteration, roof replacement	Waives the square-feet-per-pupil space standard
50	Southington	Joseph A. DePaolo Middle School; extension and alteration, roof replacement, and site purchase	Allows a change-order project cost increase of up to 8%, rather than 5%
51	Southington	John F. Kennedy Middle School; extension and alteration, roof replacement, and site purchase	Allows a change-order project cost increase of up to 8%, rather than 5%
52	West Haven	West Haven High School; extension and alteration, roof replacement	<ul style="list-style-type: none"> Changes project designation from extension and alteration and roof replacement to renovation, triggering a higher state reimbursement level Waives the square-feet-per-pupil space standard
53	Rocky Hill	Intermediate School, new construction	<ul style="list-style-type: none"> Makes project eligible for reimbursement, provided costs do not exceed \$31,792,182, application is submitted by June 30, 2015, and project is otherwise eligible Permits town to receive an additional 15% in its eligible cost reimbursement rate, which reflects the savings to the state of increasing enrollment in the Open Choice program through this school instead of paying for students to attend an interdistrict magnet school
54	Putnam	<ul style="list-style-type: none"> Putnam High School; extension and alteration, roof replacement Central administration (Putnam High School); alteration, roof replacement 	Changes project designation to renovation, triggering a higher state reimbursement level
55	Capitol Region Education Council (CREC)	Museum Academy, new construction and site acquisition	Changes the project description and scope to new construction and site acquisition
56	CREC	Public Safety Academy, magnet school new construction	Waives the square-feet-per-pupil space standard
57	CREC	Discovery Academy, magnet school new construction	Waives the square-feet-per-pupil space standard
58	CREC	Academy of Aerospace, magnet school new construction	Waives the square-feet-per-pupil space standard
59	CREC	Medical Professions and Teacher Preparation Academy, magnet school new construction	Waives the square-feet-per-pupil space standard
60	Plainville	Linden Street School, extension and alteration	Broadens project description to include abatement and site restoration and improvement for site access, parking, and connective areas to the new school; expands maximum project costs from \$2.4 to \$3 million, provided that the (1) scope and cost do not expand further after the effective date of this section and (2) town approves the additional appropriation
61	Bridgeport	Black Rock School; extension, alteration, and site purchase	Permits any unexpended site acquisition funds for the project to be used for other authorized project costs and included as part of the local share of other authorized costs
62	Torrington	Wolcott Technical High School; construction project, new construction	Makes project eligible for state funding for costs up to \$153,345,700, provided application is submitted by September 1, 2015, and project is otherwise eligible

PA 15-4, June 2015 Special Session—HB 7103
Emergency Certification

AN ACT CONCERNING EXCESSIVE USE OF FORCE

SUMMARY: This act makes a number of changes in law enforcement agencies' (1) use of body cameras, (2) use-of-force investigations, (3) hiring practices, and (4) liability in certain lawsuits.

Beginning July 1, 2016, the act requires sworn officers of the State Police, public university police departments, and municipal police departments receiving certain state grants under the act to use body-worn recording equipment (body cameras) while interacting with the public in their law enforcement capacity. By January 1, 2016, the Department of Emergency Services and Public Protection (DESPP) and Police Officer Standards and Training Council (POST) (see BACKGROUND) must jointly create a list of minimal technical specifications for body cameras and digital data storage devices or services. The act prohibits officers from recording certain activities with body cameras, allows agencies to withhold certain images from disclosure to the public, and requires DESPP and POST to develop guidelines on equipment use and data retention.

The act expands reporting and investigation requirements when police use force by:

1. expanding the circumstances when the Division of Criminal Justice must investigate a death involving a peace officer (see BACKGROUND) to include cases involving any use of physical force, not just deadly force;
2. requiring, rather than allowing, the chief state's attorney to appoint a prosecutor from a judicial district other than the one where the incident occurred or a special prosecutor to conduct those investigations; and
3. requiring law enforcement units to record information about incidents in which a police officer discharges a firearm or uses physical force that is likely to cause serious physical injury or death.

With regard to hiring practices, the act:

1. requires law enforcement units, by January 1, 2016, to develop and implement guidelines to recruit, retain, and promote minority police officers;
2. requires units serving communities with a relatively high concentration of minority residents to make efforts to recruit, retain, and promote minority officers so that the unit's racial and ethnic diversity is representative of the community;

3. prohibits a unit from hiring an officer who (a) was previously dismissed from a unit for malfeasance or serious misconduct or (b) resigned or retired during an investigation for such conduct; and
4. requires a unit to inform another unit about an officer's dismissal, resignation, or retirement under these circumstances if it knows the officer is applying for a position as a police officer with the other unit.

Finally, with some exceptions, the act makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties.

EFFECTIVE DATE: October 1, 2015 except the provisions on (1) police body camera use are effective upon passage and (2) grants for body camera purchases are effective January 1, 2016.

§ 1—TRAINING REQUIREMENTS

The act requires police basic and review training programs conducted or administered by the State Police, POST, and municipal police departments to include training on (1) using physical force; (2) using body cameras and retaining the records they create; and (3) cultural competency, sensitivity, and bias-free policing.

§§ 2 & 3 — MINORITY POLICE OFFICER HIRING AND PROMOTION

Guidelines

By January 1, 2016, the act requires law enforcement units to develop and implement guidelines to recruit, retain, and promote minority police officers. It requires each unit's guidelines to promote the goal of achieving racial, gender, and ethnic diversity in the unit.

The act applies to state, municipal, or other government entities whose primary function includes enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime. It also applies to the Mashantucket Pequot and Mohegan tribes' police departments.

Under the act, police officers include sworn members of organized local police departments, appointed constables who perform criminal law enforcement duties, special policemen appointed for state property or utility or transportation companies or to investigate public assistance fraud, and any member of a law enforcement unit who performs police duties.

Communities with High Concentration of Minority Residents

The act requires units serving communities with a relatively high concentration of minority residents to make efforts to recruit, retain, and promote minority officers so that the unit's racial and ethnic diversity is representative of the community. For these purposes, a "minority" is an individual whose race is other than white or whose ethnicity is defined as Hispanic or Latino by the federal government for use by the U.S. Census Bureau. The efforts may include, among other things, community outreach and attracting young people from the community to law enforcement careers through:

1. establishing police athletic leagues in which officers support young people through mentoring, sports, education, and positive relationships;
2. implementing explorer programs and cadet units; and
3. supporting public safety academies.

Efforts may also include instituting policies that require filling a vacancy by hiring or promoting a minority candidate if his or her qualifications exceed or equal those of other candidates when ranked on a promotion or examination list.

§ 4 — USE-OF-FORCE INVESTIGATIONS

The act expands when the Division of Criminal Justice must investigate a death involving a peace officer. Prior law required the division to investigate when a peace officer, in the performance of his or her duties, used deadly physical force on someone and that person died. "Deadly physical force" is physical force that can be reasonably expected to cause death or serious physical injury (CGS § 53a-3(5)). The act requires an investigation when the officer uses any type of physical force and death results.

The act also requires the chief state's attorney, for purposes of these investigations, to either designate a prosecutor from a judicial district other than the one where the incident occurred or appoint a special assistant state's attorney or special deputy assistant state's attorney. (These attorneys are temporarily appointed under a contract.) Prior law gave the chief state's attorney the option to appoint one of these individuals to conduct the investigation.

Existing division policy requires (1) an investigation into any death determined to have been caused by a police officer's use of force and (2) the chief state's attorney to assign a state's attorney from a judicial district other than the one where the incident occurred to supervise the investigation and decide whether to pursue criminal charges.

§ 5 — RECORD OF POLICE USE OF FIREARMS OR FORCE

The act requires law enforcement units to create and maintain a record about any incident in which a police officer (1) discharges a firearm except in training or when dispatching an animal or (2) uses physical force likely to cause serious physical injury or death to another person, including striking someone with a club, baton, or an open or closed hand; kicking another; or using pepper spray or an electroshock weapon on another. By law, a "serious physical injury" is one that creates a substantial risk of death or causes serious disfigurement, impairment of health, or loss or impairment of an organ's function (CGS § 53a-3(4)).

The act requires the record to include the police officer's name, the incident's time and place, a description of the incident, and the names of any known victims and witnesses present at the incident. These provisions apply to the same law enforcement units and officers as described above in the provisions on minority hiring.

§ 6 — HIRING AND OFFICER MISCONDUCT

The act prohibits a law enforcement unit from hiring a police officer who was in previous employment with the unit or in another jurisdiction and (1) was dismissed for malfeasance or serious misconduct calling into question his or her fitness to serve as an officer or (2) resigned or retired during an investigation for such conduct.

It also requires a law enforcement unit to inform another unit about a former officer's dismissal, resignation, or retirement under the circumstances described above if it knows the officer is applying for a position as a police officer with the other unit.

Under the act:

1. "malfeasance" has its common meaning and
2. "serious misconduct" means an officer's improper or illegal actions connected with official duties that could cause a miscarriage of justice or discrimination, such as a felony conviction, evidence fabrication, repeated use of excessive force, bribe acceptance, or fraud.

These provisions do not apply if an officer is exonerated of each allegation of malfeasance or serious misconduct.

These provisions apply to the same law enforcement units and officers as described in the above provisions on minority hiring.

§§ 7 & 8 — BODY CAMERAS

DESPP-POST List

The act requires the DESPP commissioner and POST to jointly evaluate and approve the minimal technical specifications of (1) body cameras for police officers to wear and (2) digital storage devices or services for law enforcement agencies to use to retain cameras' recorded data. By January 1, 2016, they must make the technical specifications available to law enforcement agencies. They may revise the specifications as necessary.

Grants

The act requires the Office of Policy and Management (OPM), within available resources, to administer a grant program to reimburse municipalities for purchasing body cameras and digital storage devices or services that conform to the DESPP-POST minimal technical specifications. Municipalities may apply for grants in a manner set by the OPM secretary.

The act requires grants to reimburse municipalities that purchase:

1. during FY 17, enough equipment to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity, at up to 100% of the costs (for digital storage services, reimbursement is limited to the cost of services for up to one year);
2. (a) from January 1, 2012 through June 30, 2016, such equipment in an amount no greater than described above, and (b) additional body camera equipment during FY 17, if enough equipment is purchased to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity, at an additional amount up to 100% of the costs; and
3. in FY 18, such equipment if the municipality was not reimbursed under the other provisions, at up to 50% of the costs (for digital storage services, reimbursement is based on the cost of services for up to one year).

Required Use by Officers

Beginning July 1, 2016, the act requires use of body cameras by sworn members of:

1. the State Police;
2. UConn and state university system police; and
3. municipal police departments that receive OPM grants under the act to (a) obtain enough body cameras in FY 17 to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity, including those that also receive grants for

prior purchases between January 1, 2012 and June 30, 2016, or (b) obtain body cameras in FY 18.

Sworn members of municipal police departments that receive an OPM grant for body cameras purchased between January 1, 2012 and June 30, 2016, but no additional OPM grants, must use body cameras if the department provides them to the members. Sworn members of other municipal police departments may use body cameras as directed by their departments but must follow the act's equipment and data requirements.

Officers must use equipment that conforms to the DESPP-POST minimum specifications but may use non-conforming equipment purchased by their enforcement agencies before January 1, 2016.

The act requires each officer to wear the camera on his or her outer-most garment and above the midline of the torso when using the equipment. Officers must use it while interacting with the public in their law enforcement capacity.

The act prohibits officers from using body cameras until they receive training on using the equipment and retaining the data it creates. But officers using the equipment before October 1, 2015 may continue to use it before receiving the training. Agencies must ensure that officers receive training at least annually, including training on equipment care and maintenance.

Exceptions to Recording Requirement and Record Disclosures

The act prohibits officers from using body cameras to intentionally record the following scenarios, unless an agreement between the agency and federal government provides otherwise:

1. communications with other law enforcement personnel unless within the performance of duties;
2. encounters with undercover officers or informants;
3. officers on break or engaged in personal activity;
4. people undergoing medical or psychological evaluations, procedures, or treatment;
5. people, other than suspects, in a hospital or medical facility; or
6. in mental health facilities unless responding to a call involving a suspect in such facilities.

Under the act, records that capture any of the images described above are not public records for disclosure purposes under the Freedom of Information Act (FOIA). The act makes records capturing the following images subject to disclosure under existing FOIA rules except to the extent that disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy: (1) the scene of an

incident involving a domestic or sexual abuse victim or (2) a homicide, suicide, or deceased accident victim.

Ensuring Functioning Equipment

The act requires officers to (1) inspect and test equipment before each shift to verify proper functioning; (2) notify their supervisors of problems found during inspection; and (3) inform supervisors, as soon as practicable, about lost, damaged, or malfunctioning equipment.

Supervisors must ensure the equipment's inspection, repair, and replacement as necessary.

Guidelines

By January 1, 2016, the act requires the DESPP commissioner and POST to jointly issue guidelines on using body cameras, retaining their data, and storing the data safely and securely. All agencies and their officers and employees with access to data must follow the guidelines. DESPP and POST may update and reissue the guidelines as necessary and submit them to the Judiciary and Public Safety and Security committees.

Officer Use and Access to Recordings

The act allows an officer to review a recording from his or her body camera to assist in preparing a report or in the performance of his or her duties. When giving a formal statement about the use of force or when the subject of a disciplinary investigation where a recording is part of the review, the officer has a right to review (1) the recording, together with his or her attorney or labor representative, and (2) recordings from other body cameras capturing his or her image or voice during the incident.

The act prohibits law enforcement agency employees from editing, erasing, copying, sharing, altering, or distributing any recording made by the equipment or its data except as required by state or federal law.

§ 9 — OFFICERS INTERFERING WITH PHOTOGRAPHY

The act makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo or digital still or video image of the officer or another officer performing his or her duties. The employer is not liable if the officer had reasonable grounds to believe that he or she was interfering to:

1. lawfully enforce a state criminal law or municipal ordinance;
2. protect public safety;
3. preserve a crime scene's or investigation's integrity;
4. safeguard a person's privacy interests, including a crime victim's; or
5. lawfully enforce Judicial Branch court rules and policies on taking photos, videotaping, and recording images in branch facilities.

The act applies to peace officers except for federal government special agents and Mashantucket Pequot and Mohegan tribes' law enforcement unit members.

BACKGROUND

POST

POST (1) trains, certifies, and establishes minimum qualifications for municipal police officers and others and (2) enforces professional standards for certifying and decertifying them.

Peace Officers

By law, "peace officers" are state or local police officers, Division of Criminal Justice inspectors, state marshals exercising statutory authority, judicial marshals performing their duties, conservation officers or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, federal narcotics agents, and POST-certified members of the Mashantucket Pequot and Mohegan tribes' law enforcement units (CGS § 53a-3(9)).

PA 15-5, June Special Session—SB 1502
Emergency Certification

**AN ACT IMPLEMENTING PROVISIONS OF
THE STATE BUDGET FOR THE BIENNIUM
ENDING JUNE 30, 2017 CONCERNING
GENERAL GOVERNMENT, EDUCATION AND
HEALTH AND HUMAN SERVICES.**

SUMMARY: This act makes many unrelated changes, including changes to the budget act.

Among its budgetary changes, the act:

1. limits the scope of the new 6% gross receipts tax on certain ambulatory surgical centers (§ 130);
2. eliminates provisions in the budget act (a) increasing the sales and use tax rate on computer and data processing services from 1% to 2% on October 1, 2015 and 2% to 3% on July 1, 2016 and (b) for such services sold on or after October 1, 2015, exempting from the tax services performed by an entity for one of its affiliates (§§ 132-134 & 516);
3. preserves a sales and use tax exemption for certain employer-provided parking (§ 135);
4. extends the sales and use tax to coin-operated car washes (§ 136);
5. limits the amount of keno revenue the state may distribute to the Mashantucket Pequot and Mohegan tribes (§ 138);
6. delays, by one year, the effective date for implementing mandatory combined reporting (§§ 139-153);
7. reduces the budget act's net General Fund appropriations by \$14 million in FY 16 and \$27 million in FY 17 (§§ 155 & 156);
8. carries forward prior years' unspent balances from FY 15 and requires them to be used in FY 16 (§§ 89-92);
9. exempts individuals from interest assessments due to an underpayment in estimated income tax created by the budget act's provisions (§ 435);
10. imposes an alternative limit on net operating losses (NOL) certain corporations may carry forward (§ 482);
11. modifies the newly established municipal revenue sharing and motor vehicle property tax grants (§ 494); and
12. adjusts revenue estimates for FY 16 and FY 17 for the General Fund and Special Transportation Fund (STF) (§§ 496 & 497).

Among its other significant provisions, it:

1. establishes the quasi-public Connecticut Port Authority starting on July 1, 2015 instead of October 1, 2015, extends the authority's

- jurisdiction to cover state harbors as well as ports, and transfers authority over maritime and most harbor and port-related laws from the Department of Transportation (DOT) to the authority (§§ 1-39, 165, 166, 519, & 523);
2. requires contractors awarded "municipal public works contracts" or contracts for "quasi-public agency projects" to comply with state set-aside program requirements (§§ 58-71 & 88);
3. requires the Public Utilities Regulatory Authority (PURA), the next time an electric distribution company (EDC) files a request to amend its rates, to adjust the company's residential fixed charge so that it only recovers the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections, and providing customer service (§ 105);
4. establishes a 13-member Aquaculture Advisory Council that must report annually to the governor and Environment Committee on the status of the state's shellfish industry (§ 116);
5. subjects certain nonprofit hospital and college properties to property tax (§§ 238-241);
6. establishes a 29-member Education Planning Commission to develop and recommend the implementation of a strategic master plan that states a clear vision and mission for developing a sustainable, equitable, and high-quality public education system for Connecticut (§ 263);
7. creates new duties relating to special education and assigns them to various entities, including the State Department of Education (SDE) and State Board of Education (SBE) (§§ 264-285);
8. creates a process by which local and regional boards of education may obtain waivers from certain state statutes and regulations in exchange for demonstrating innovative ideas (§ 301);
9. expands certain individual and group health insurance policies' required coverage of autism spectrum disorder (ASD) services and treatment (§§ 347-353);
10. reduces HUSKY A coverage by lowering the income limit for non-pregnant adults (§ 370);
11. makes several changes in the Department of Social Services' (DSS) Medicaid provider audit process (§ 400);
12. requires the labor commissioner to contract with consultants to create an implementation plan for a paid family and medical leave program and perform an actuarial analysis on the funding needed to sustain such a program (§ 413);

13. makes the STF a perpetual fund and prohibits the legislature from passing any law that would authorize the use of STF funds for anything other than transportation purposes (§§ 432, 433, & 514);
14. makes several changes to the law's requirements for applying pesticides, including lawn care pesticides, to (a) municipal playgrounds, (b) school grounds, and (c) state agency properties (§§ 436-440);
15. establishes a "regional election monitor" within each of the state's planning regions to represent, consult with, and act on the secretary of the state's behalf before and during each election, primary, recanvass, and audit (§§ 442-444); and
16. establishes a 13-member commission to assess how the state's tax policies affect economic growth and recommend how the state can promote such growth (§ 498).

The act also makes numerous minor, technical, and conforming changes.

A section-by-section analysis of the act appears below.

EFFECTIVE DATE: Various, see below.

§§ 1-39, 165, 166, 519, & 523 — CONNECTICUT PORT AUTHORITY

This act establishes the quasi-public Connecticut Port Authority on July 1, 2015 instead of October 1, 2015 with jurisdiction over state harbors and ports. It transfers oversight of maritime and most harbor and port-related laws from the DOT to the authority as of July 1, 2016.

Among other things, the authority must:

1. coordinate port development, focusing on private and public investments;
2. pursue state and federal funds for dredging and other infrastructure improvements and maintain navigability of all ports and harbors;
3. work with the Department of Economic and Community Development (DECD) and state, local, and private entities to maximize the ports' and harbors' economic potential;
4. support and enhance the overall development of maritime commerce and industries; and
5. coordinate the state's maritime policy and serve as the governor's principal maritime policy advisor.

To help achieve these and other goals, the act, among other things:

1. gives the authority bonding power;
2. permits it to enter a memorandum of understanding (MOU) with DECD for (a)

administrative support and services and (b) management and operation;

3. requires it to enter into at least one MOU with DOT to help effect the transition of ownership, jurisdiction, and authority over the state's ports and harbors from DOT to the authority;
4. allows the authority to hire employees who (a) must receive the same life insurance, health insurance, and retirement benefits as state employees but (b) are not considered state employees for collective bargaining purposes; and
5. specifies that the authority, in performing an essential public function, is exempt from paying taxes or assessments on any property it acquires or uses or any income it derives from them.

The act also transfers from DOT to the Department of Energy and Environmental Protection (DEEP) the powers and duties of existing harbor boards and boards of harbor commissioners. It places harbor masters under the direction and control of DEEP rather than DOT.

It eliminates on (1) July 1, 2015 the Connecticut Maritime Commission, which, among other duties, supported the development of the state's deep water ports, and (2) July 1, 2016 the State Maritime Office, a DOT office responsible for maritime operations and staffing the maritime commission. It also terminates the Port Authority Working Group on July 1, 2015 instead of October 1, 2015.

The act also makes other minor and conforming changes.

EFFECTIVE DATE: July 1, 2016, except provisions (1) creating the port authority and its board of directors, (2) authorizing an MOU with DECD, (3) requiring at least one MOU with DOT, (4) governing the Port Authority working group, (5) eliminating the Connecticut Maritime Commission, and (6) making certain conforming changes, are effective July 1, 2015.

§§ 1, 2, 38, & 39 – Port Authority

Under prior law and the act, the authority is a body politic and corporate, a public instrumentality and political subdivision of the state, created to perform an essential public and government function. It is a quasi-public agency, not a state department, institution, or agency, and thus is subject to statutory procedural, operating, and reporting requirements for quasi-public agencies, including lobbying restrictions and an ethics code.

The authority continues as long as it has bonds or other outstanding obligations and until it is legally terminated. Termination does not affect any of the authority's outstanding contractual obligations. On

termination (1) the state succeeds to these obligations and (2) all of the authority's rights and properties pass to and become vested in the state.

The act subjects the authority to existing statutory requirements that quasi-public agencies must have the state treasurer's or deputy treasurer's approval for (1) issuing bonds or borrowing money secured by state-backed or state-guaranteed capital reserve funds and (2) any investment or contract relating to interest rates, currency, or cash flow that subjects a state-backed capital reserve fund to potential liability (§ 38).

As is the case under existing law for other quasi-public agencies, the act exempts the authority's directors and staff from personal liability for actions taken in issuing bonds, or for damages or injury caused while performing their duties and within the scope of employment, so long as the actions are not wanton, reckless, willful, or malicious (§ 39).

Authority Purpose. Under the act, the authority must:

1. coordinate port development, focusing on private and public investments;
2. pursue state and federal funds for dredging and other infrastructure improvements to (a) increase cargo movement through the ports and (b) maintain navigability of all ports and harbors;
3. market port and harbor economic development and work with DECD and state, local, and private entities to maximize the ports' and harbors' economic potential;
4. support and enhance the overall development of maritime commerce and industries;
5. coordinate the planning and funding of capital projects promoting the development of ports and harbors;
6. develop strategic entrepreneurial initiatives available to the state;
7. coordinate the state's maritime policy activities;
8. serve as the governor's principal maritime policy advisor; and
9. undertake other responsibilities assigned to it.

Authority Powers. The authority's powers and governance requirements summarized below are generally the same as under prior law that was to take effect October 1, 2015.

The authority may:

1. have perpetual succession and adopt bylaws;
2. adopt and modify an official seal;
3. maintain one or more offices;
4. sue and be sued in its own name;
5. develop an organizational and management structure to best achieve its goals;
6. create a code of conduct for board members consistent with applicable law;

7. adopt rules, which are not considered regulations and are therefore exempt from the regulatory approval process, to conduct its business; and

8. adopt an annual budget and operating plan, including a requirement that the board approve the budget or plan before it takes effect.

The act also allows the authority to (1) invest in, acquire, lease, purchase, own, manage, hold, and dispose of real property and (2) lease, convey, deal in, or enter into agreements with respect to the property on any terms necessary or incidental to carry out the authority's purpose. These transactions are not subject to approval, review, or regulation by any state agency, except the authority cannot convey fee simple ownership (i.e., full ownership) in land under its jurisdiction and control without approval from the State Properties Review Board and the attorney general.

Under the act, the authority may employ assistants, agents, and other employees necessary or desirable to carry out its purposes; set their compensation; establish and modify personnel procedures; and negotiate and enter into collective bargaining agreements with labor unions. The authority's employees are exempt from the classified service and are not state employees for collective bargaining purposes. But the act regards them as state employees for life insurance, health insurance, and retirement benefits. It requires the authority to reimburse the appropriate state agencies for costs they incur because of this provision.

The authority may engage consultants, attorneys, and appraisers to carry out its purposes.

Board of Directors' Duties. Under the act, the board must:

1. develop and recommend to the governor and Transportation Committee a state maritime policy;
2. advise the governor and committee on the state's maritime policies and operations;
3. support the development of maritime commerce and industries, including state ports and harbors;
4. recommend investments and actions, including dredging, required to preserve and enhance maritime commerce and industries; and
5. conduct studies and present recommendations on maritime issues.

The board must hold a public hearing to evaluate the adequacy of the state's maritime policies, facilities, and support for maritime commerce and industry at least once a year.

By January 1, 2017, and annually afterwards, the board of directors must submit a written report to the governor, and copies to the Transportation Committee. The report must include:

1. a list of projects to support the state's maritime policies and encourage maritime commerce and industry;
2. recommendations to improve existing maritime policies, programs, and facilities; and
3. other appropriate recommendations.

Board Members. The authority's governing board is composed of 15 voting members. Members include the following state officials or their designees: the commissioners of DEEP, DOT, and DECD, the state treasurer, and the Office of Policy and Management (OPM) secretary, all of whom are ex-officio members. Four members are appointed by the governor, two for four-year terms and two for two-year terms. Legislative leaders appoint the remaining members, as follows: one each, for a four-year term, by the House speaker, Senate president pro tempore, and Senate minority leader; one each, for a two-year term, by the House majority and minority leaders and the Senate majority leader. Successor members appointed by the governor and the legislative leaders serve four-year terms, starting on July 1 in the year of their appointment.

The appointees must include:

1. individuals with experience or expertise in at least one of the following areas: (a) international trade, (b) marine transportation, (c) finance, or (d) economic development;
2. a member or employee of a local port authority;
3. an elected or appointed municipal official from a coastal municipality with a population of 100,000 or less; and
4. an elected or appointed municipal official from a coastal municipality with a population of 50,000 or less.

Eight directors comprise a quorum to transact business or exercise power. The board may act by a majority of the directors present at any meeting at which there is a quorum, except as the act provides. The board may delegate to eight or more directors necessary and proper powers and duties under the act and the board's bylaws.

Appointed board members may not designate someone to perform their duties in their absence. An appointee who fails to attend three consecutive meetings or half of all meetings in a calendar year is deemed to have resigned. Any vacancy that occurs other than by a term's expiration must be filled for the remainder of the term within 30 days, in the same way as the original appointment.

Board Officers. The board selects a chairperson, vice-chairperson, and other officers it believes necessary from its members. The chairperson serves a two-year term.

The initial board members may begin serving immediately on appointment but cannot serve beyond

the sixth Wednesday of the next regular legislative session unless confirmed by the legislature. All subsequent appointments must be made with legislative advice and consent according to law.

Reimbursement and Conflicts of Interest. Directors serve without compensation but are reimbursed for actual and necessary expenses incurred performing their duties. They may be privately employed or in a profession or business subject to state ethics and conflict of interest laws, rules, and regulations. Regardless of the law, however, it is not a conflict of interest for a trustee, director, partner, or officer of any person, firm, or corporation, or any person with a financial interest in the person, firm, or corporation, to serve as a director, provided he or she complies with applicable state ethics laws.

Removal of Board Members. An appointing authority may remove a board member for inefficiency, neglect of duty, or misconduct in office. Before doing so, the appointing authority must give the director a copy of the charges against him or her and an opportunity for a hearing, to be held at least 10 days after receiving notice, where the director may respond personally or through an attorney. When a director is removed, the appointing authority must file with the secretary of the state (1) a complete statement of the charges against the director, (2) the appointing authority's findings on the charges, and (3) a complete record of the proceedings.

Executive Director. The board appoints an executive director as the authority's chief administrative officer. The executive director (1) cannot be a board member, (2) receives compensation set by the board, (3) serves at the board's pleasure, and (4) is exempt from classified service.

The executive director directs and supervises administrative affairs and technical activities at the board's direction. He or she must approve all salaries, allowable expenses for the authority and its employees and consultants, and incidental authority expenses.

The executive director must attend all board meetings; keep a record of authority proceedings; and maintain and have custody of all books, documents, and papers filed with the authority, the authority's minutes or journal, and its official seal. He or she may (1) make copies of the authority's minutes, records, and other documents, and (2) use the seal to certify them as true copies on which people may rely. The executive director must perform other duties as the board directs.

Reporting Requirements. The board must report annually by December 15 to the governor and the Commerce, Environment, and Transportation committees on its (1) activities, (2) operating and financial statements, and (3) legislative recommendations.

It must also submit to the Appropriations, Commerce, Environment, and Transportation committees a copy of any authority audit conducted by an independent auditing firm within seven days after the board receives it.

§§ 3-6 – Bonding Authority

The act authorizes the authority to issue bonds to carry out its responsibilities, which include renovating and improving state ports.

The authority can issue bonds to finance (1) general improvements, and back them with some or all of its revenue from the ports, or (2) a specific improvement, and back it only with the revenue the improvement generates. It may seek the treasurer's help in issuing the bonds and appoint a committee or individual as the board's delegate in connection with their issuance.

The authority must repay the bonds no later than 30 years after issuing them.

It may use proceeds from the bond sales for:

1. paying labor and material costs related to project construction;
2. acquiring, including by condemnation, land, property rights, rights-of-way, franchises, easements, and other interests in land in connection with project construction or operation, including any damages;
3. paying machinery and equipment costs;
4. creating reserves to pay principal and interest that accrues during project construction and for six months after its completion;
5. covering initial working capital, administrative expenses, and legal, architectural, and engineering expenses and fees;
6. covering the costs of audits and preparing and issuing notes and bonds; and
7. paying all other expenses incident to project planning, acquisition, and construction or the start of operation.

The bonds do not count toward the state's bond cap, and only the authority is liable for them. The act generally exempts the state, municipalities, and other political subdivisions from any obligation to repay the bonds. It (1) exempts the principal and interest payments to the bondholders from all state and local taxes except the estate and gift tax but (2) requires that interest payments be included when calculating excise and franchise taxes.

The act allows the authority to determine how it will issue and repay the bonds and the terms and conditions it may include in its agreements with bondholders. It also declares the bonds negotiable instruments under the Uniform Commercial Code, subject only to registration requirements. The act makes

the bonds securities in which governments and private entities may invest. The authority may sell the bonds at a price and time it chooses (1) at a public sale on sealed proposals or (2) by negotiation.

The act authorizes or requires several actions to assure bondholders that the authority will repay them, including securing the bonds' principal and interest by a mortgage covering all or part of a project. It specifies that the state will not limit or alter the authority's rights until the authority repays its outstanding bonds. It authorizes the authority to create one or more special capital reserve funds to finance a project or refund bonds previously issued by the authority or state to fund a project. The total amount of bonds secured by the funds cannot exceed \$50 million. It also appropriates from the General Fund any amount needed to maintain these special capital reserves at the required minimum level. These funds must be appropriated as needed annually by December 1. The authority's chairperson or vice chairperson must certify the amount to the treasurer and the OPM secretary.

Under the act, the authority may secure principal and interest payments by pledging its revenue. Pledges are valid and binding at the time they are made and subject to a lien without any action on the bondholders' part. The act allows the authority to secure the pledge by entering into an agreement with a trustee representing the bondholders' interests (i.e., trust of indenture).

The act allows the authority to issue bonds to refund outstanding bonds and specifies conditions for doing so. It also allows the authority to use its funds to purchase its bonds and those of the state and dispose of bonds as the bond agreements allow.

§ 7 – Tax Exemption and PILOT Program

The act specifies that the authority, in performing an essential public function, is exempt from paying taxes or assessments on any property it acquires or uses or any income it derives from them. Prior to June 30, 2018, the act deems authority-owned property and facilities to be state-owned real property for the purposes of the state's Payment-In Lieu-Of-Taxes (PILOT) program, under which the state provides grants to municipalities in place of taxes that would otherwise be paid on authority-owned property and facilities.

§ 8 – MOU With DECD

The act allows DECD and the authority to enter into an MOU in which (1) DECD provides administrative support and services, including all staff support necessary for the authority's operation, and (2) management and operational activities are addressed, including joint procurement and contracting; sharing

services and resources; coordinating promotional activities; and other arrangements to enhance revenue, reduce operating costs, or achieve operating efficiencies.

The MOU's terms and conditions, including provisions on the authority's reimbursement of DECD for administrative support and services, must be as DECD and the authority determine are appropriate. The MOU must terminate by June 30, 2018.

§ 9 – MOUs With DOT

The act requires the authority to enter into MOUs with DOT to help (1) the authority govern the state's ports and harbors and (2) effect the transition of ownership, jurisdiction, and authority over the ports and harbors from DOT. The MOUs must include the:

1. assets, funds, accounts, contracts and liabilities, and powers and duties associated with the ports and harbors that will be transferred to the authority by deed, lease, management contract, agency agreement, assignment, or assumption, and the manner of the transfers;
2. time or times the transfers will take effect; and
3. reimbursement to the state for the services provided under any MOU.

The authority must periodically advise DOT of its readiness to accept any lease, assignment, or transfer according to any MOU with respect to ports and harbors and must execute the necessary documents and contracts to effect these transactions. The leases, assignments, or transfers may not be unreasonably delayed or withheld.

If any bonds or other obligations issued for port or harbor projects or purposes remain outstanding, the treasurer must also be party to the MOU. Once a power, duty, asset, fund or account, or contract or liability is transferred to the authority, DOT cannot afterward exercise the power, perform the duty, or act with respect to the asset, fund, account, contract, or liability.

When implementing an MOU, the authority must comply with existing contracts, bonds, or obligations. The authority may, with the treasurer's consent and approval, assume state obligations for projects or purposes relating to ports and harbors that remain outstanding and indemnify and release the state from all liability and expenses related to those obligations. An assumption by the authority and release of the state is subject to the terms of any indenture and State Bond Commission approval.

The authority must do everything required by applicable federal and state laws, regulations, rules, or relevant contracts to effect the lease, assignment, or transfer of ownership, jurisdiction, or authority to control, operate, and maintain the ports and harbors in the authority's best interests. DOT cannot be paid for

any leases, assignments, and transfers.

§§ 10 & 11 – Port Authority Working Group

PA 14-222 created a working group to prepare and submit recommendations to DECD on the powers and duties of the authority's board. Under prior law, the working group was to terminate on October 1, 2015. Under the act, the working group terminates on July 1, 2015. No further action of the DECD commissioner is needed on and after that date.

§§ 12 & 18-21 – Harbors and Harbor Masters

The act transfers jurisdiction over state harbors from the DOT commissioner to the authority. But it transfers from DOT to DEEP the powers and duties of existing harbor boards and boards of harbor commissioners. It allows these boards to advise DEEP and perform the duties the DEEP commissioner delegates to them.

Harbor masters, appointed by the governor, have general care and supervision of the harbors and navigable waterways over which they have jurisdiction. The act places harbor masters under the direction and control of DEEP, rather than DOT. It requires DEEP to adopt regulations on the procedure for handling violations of a harbor master's order. It authorizes the DEEP commissioner to decide whether a vessel is derelict without consulting with DOT and authorizes him to remove such a vessel according to state law.

§§ 13 & 523 – Acquisition and Disposition of Property

The act authorizes both the authority and the DOT commissioner, instead of just the commissioner, on behalf of the state, to acquire, own, build, maintain, or operate on, at, or near the seaboard or any navigable waterway any of the following: land, or any harbor, wharf, dock, pier, quay, canal, slip, or basin, or any appropriate harbor facility, shed, warehouse, vault, railroad track, yard, terminal, equipment, or other facility related to transporting goods or people by water, as the authority or commissioner deems necessary. It correspondingly repeals a law allowing the DOT commissioner to sell excess land or rights in it.

The act authorizes the commissioner or authority, as appropriate, instead of just the commissioner, to confer concessions privileges. But the DOT commissioner retains the power to lease or grant any interest in the State Pier in New London or any navigation property DOT owns or controls with approval from the State Properties Review Board, OPM, and the attorney general.

§§ 14-17 – Harbor Improvement Projects

Under current law, the DOT commissioner may initiate harbor improvement projects. Starting July 1, 2016, the act authorizes the (1) authority to initiate harbor improvement projects and (2) authority executive director to recommend these projects to the authority board. It requires the authority to (1) contract for the provision of goods and services to improve harbors and waterways, (2) provide the funding the contracts require or enter into agreements with other state agencies to provide such funding, and (3) administer the contracts.

It authorizes the authority, rather than the DOT commissioner, to spend funds from the state harbor improvement account to initiate harbor improvement projects and to seek reimbursement to the fund from the federal government for federal dredging projects. It requires harbor improvement agencies to submit an approved harbor improvement plan to the authority instead of DOT and, as under prior law, the DEEP commissioner. Municipalities may adopt plans DEEP and the authority approve.

It authorizes the authority, instead of DOT, to contract with a municipality or federal or state agency for state financial assistance for harbor improvement projects. The authority, rather than DOT, must submit applications for financial assistance to DEEP, and the DEEP commissioner must report his findings in writing to the authority.

§§ 22-28, 165, & 166 – Marine Pilots

Starting July 1, 2016, the act transfers, from the DOT commissioner to the authority, licensing and regulation of marine pilots.

Specifically, it (1) moves the Connecticut Pilot Commission from DOT to the authority (§ 23); (2) requires the authority to set pilotage rates (§ 24); and (3) authorizes the authority to execute agreements with other states for a marine pilot rotation system in state waters, including Long Island Sound (§ 27).

Effective July 1, 2016, the act deems existing DOT regulations on, among other things, pilots' conduct and duties (§ 25), embarking and disembarking of pilots and vessel operation and equipment (§ 28) duly adopted written procedures of the authority. After that date, the authority must adopt any modifications or additions to the written procedures according to state law.

It also creates an alternative path for applicants to get marine pilot licenses, and transfers administration of that path from DOT to the authority as of July 1, 2016 (§ 22).

Alternative Path. Section 165 of the act creates an alternative path for applicants to get marine pilot licenses, effective July 1, 2015. Prior law required applicants for a pilot's license for any state port or

waterway, including the Connecticut waters of Long Island Sound, to have a certain number of passages on ocean-going vessels of at least 4,000 gross tons during the 36 months before they apply.

Section 165 adds an alternative "extension of route" in which an applicant currently licensed by the DOT commissioner for eastern Long Island Sound and at least one of the ports of Bridgeport, New Haven, or New London may obtain a license for state waters, including the Connecticut waters of the Sound.

In such a case, the applicant (1) must have obtained a federal first class pilot's license of unlimited tonnage issued by the U.S. Coast Guard covering Connecticut waters, including the Sound, for which the individual has applied for an extension of route and (2) can document that, within the 36 months immediately preceding his or her application, the applicant has made six round trips through the port or waterway for which he or she is applying. He or she must have done so as an observing pilot on vessels under enrollment or register subject to state compulsory pilotage laws, during which time the applicant piloted the vessel under the supervision and authority of a state-licensed pilot.

The act transfers this licensing authority from DOT to the authority, effective July 1, 2016. It allows applicants licensed by the authority, and presumably, pilots licensed before July 1, 2016 by DOT, to take advantage of this alternative extension of route.

§§ 29-35 – Transfers of Responsibility

By law, the DEEP commissioner, in consultation with the public health commissioner, may enter into agreements with other states or the federal government on matters related to flood control, navigation, and harbor improvement. Prior law required the DEEP commissioner to request from and consider the recommendations of the DOT commissioner on (1) river and harbor improvements, and (2) the navigability of streams and rivers. The act allows, rather than requires, the DEEP commissioner to request and consider recommendations of the DOT commissioner and the authority's board, as appropriate, on these matters (§ 32).

The act also:

1. subjects people to fines of up to \$1,000 for removing, damaging, or destroying buoys, beacons, and channel markers or floating guides the state, rather than DOT, has placed in state waters in the proper exercise of its authority (§ 29);
2. makes it the DEEP commissioner's responsibility, rather than the DOT commissioner's, to determine if there are structural hazards in tidal waters and order them removed or dismantled (the DEEP

commissioner already has this authority in other state waters) (§ 30);

3. requires a harbor management commission to consult with the authority, and not DOT, when preparing or causing to be prepared a management plan for the most desirable harbor use (it continues to require the commission to consult with DEEP when preparing such a plan); requires the plan to be submitted for approval to both DEEP and the authority, instead of DEEP and DOT; allows it to be adopted if both approve it; and requires both DEEP and the authority to review the plan annually (§ 31);
4. requires the DEEP commissioner to consult with the authority, rather than the DOT commissioner, when considering encroachments in tidal, coastal, or navigable waters (§ 34);
5. requires the DEEP commissioner to notify in writing the authority, rather than the DOT commissioner, when designating or laying out channels and boat basins in tidal and coastal waters, and authorizes the authority board to initiate such proceedings (§ 33); and
6. requires the DEEP commissioner to provide, or require an applicant to provide, notice to the authority, if appropriate, when considering whether to issue a permit for dredging or similar work in state waters (prior law required him to provide such notice to the DOT commissioner, among others) (§ 35).

§ 40 — STF MONEY FOR CERTAIN DEEP AND DSS ACTIVITIES

By law, money in the STF must be used first for debt service on special tax obligation bonds and to pay for certain transportation projects. The remaining funds must be appropriated to pay general obligation bonds issued for transportation projects and budget appropriations for the departments of Transportation and Motor Vehicles.

Under the act, the remaining STF funds must also be appropriated to pay for (1) DEEP boating regulation and enforcement and (2) DSS transportation for employment independence program.

EFFECTIVE DATE: July 1, 2015

§ 41 — COMMUNITY INVESTMENT ACCOUNT (CIA) FUNDS FOR CONNECTICUT TRUST FOR HISTORIC PRESERVATION

The act increases, from \$200,000 to \$380,000, the amount of CIA funds that DECD must distribute annually to the Connecticut Trust for Historic

Preservation to supplement its technical assistance and preservation activities.

By law, the CIA contains land use document recording fees town clerks remit to the state treasurer. Money from the account is distributed quarterly to the agriculture sustainability account and to the departments of Agriculture, Economic and Community Development, Energy and Environmental Protection, and Housing. From January 1, 2016 to June 30, 2017, PA 15-244 (§ 93) diverts to the General Fund, on a quarterly basis, 50% of the funds deposited in the CIA.
EFFECTIVE DATE: January 1, 2016

§ 42 — FIRST FIVE PLUS EXTENSION

The act extends the sunset date for the First Five Plus economic development program by one year, from June 30, 2015 to June 30, 2016, and makes a conforming change. Under the program, the economic development commissioner can provide loans, tax incentives, and other forms of economic development assistance to businesses committing to create jobs and invest capital within the law's timeframes.

EFFECTIVE DATE: July 1, 2015

§§ 43-46 — CHANGES IN HEALTH INSURANCE COVERAGE FOR MENTAL OR NERVOUS CONDITIONS

This act delays the effective date of the following health insurance coverage requirements enacted in PA 15-226 from January 1, 2016 until January 1, 2017:

1. intensive, family- and community-based treatment programs that focus on environmental systems impacting chronic and violent juvenile offenders;
2. other home-based therapeutic interventions for children;
3. chemical maintenance treatment (i.e., when a person is admitted for the planned use of a prescribed substance under medical supervision); and
4. extended day treatment programs for children or youth with emotional disturbance, mental illness, behavior disorders, or multiple disabilities.

The act also broadens three health insurance coverage requirements enacted in PA 15-226 by providing coverage for:

1. intensive, home-based services that address specific mental or nervous conditions in a child without requiring the services to also remediate problematic parenting practices and address other family and educational challenges affecting the child's and family's ability to function;

2. evidence-based family focused therapy that specializes in juvenile substance use disorder treatment but not necessarily in delinquency; and
3. short-term family therapy intervention that need not include juvenile diversion programs that target at-risk children and address adolescent behavior problems, conduct disorders, substance use disorders, and delinquency.

The act applies to individual and group health insurance policies issued, delivered, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided through an HMO. Due to the federal Employee Retirement Income Security Act (ERISA), state insurance mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2016 for the provisions repealing coverage provisions, and January 1, 2017 for the provisions reenacting them.

§ 47 — DEEDS FOR PROPERTIES SOLD AT A TAX SALE

Among other things, PA 15-156 (§ 6) requires a deed for a property sold at a tax sale (i.e., tax collector’s deed) to specify that the property may be encumbered by municipal and state liens. This act eliminates the requirement that the deed specify that the property may be subject to state liens.

EFFECTIVE DATE: October 1, 2015

§§ 48-49 & 518 — CONTINGENCY APPROPRIATION

The act eliminates a requirement that the budget the governor submits to the legislature include a recommended appropriation for contingencies of up to \$100,000 in each fiscal year. Under prior law, the governor could approve expenditures from the contingency appropriation whenever (1) an emergency existed and (2) he determined that a budgeted agency’s needs warranted an increased appropriation or that emergency expenditures were necessary.

EFFECTIVE DATE: July 1, 2015

§ 50 — MICROBEADS

The act phases in bans on manufacturing, importing, selling, or offering for sale personal care products and over-the-counter drugs with intentionally added synthetic solid plastic particles of five millimeters or less in size that are (1) used to exfoliate or cleanse and (2) intended to be rinsed or washed off the body and

deposited into a sink, shower, or bathtub drain (i.e., microbeads).

The act applies to:

1. products or their components intended for rubbing, pouring, sprinkling, spraying on, introducing into, or applying to the human body for cleansing, beautifying, promoting attractiveness, or altering its appearance (i.e., personal care products) and
2. personal care products with labels required by federal regulation identifying them as drugs (i.e., over-the-counter drugs).

It excludes products the Department of Consumer Protection (DCP) commissioner determines need a prescription to distribute or dispense.

Phased-in Bans

Personal Care Products. The act generally prohibits, beginning December 31, 2017, manufacturing for sale personal care products with microbeads except for over-the-counter drugs. Starting December 31, 2018, it bans importing, selling, or offering microbeads for sale.

If a study on the availability of biodegradable microbeads for use in personal care products is not completed by December 15, 2017 (see below), the act bans the manufacture, sale, import, and offer for sale of these products with intentionally added biodegradable microbeads starting July 1, 2018.

Over-the-Counter Drugs. Beginning December 31, 2018, the act prohibits manufacturing over-the-counter drugs with microbeads for sale. Starting December 31, 2019, it prohibits importing, selling, or offering them for sale.

Regulations

The act allows the DEEP commissioner to adopt regulations, in consultation with the DCP commissioner, to implement the act.

Penalties

Violators of the bans on personal care products or over-the-counter drugs with microbeads or the DEEP regulations are subject to fines of up to \$5,000 for a first violation and \$10,000 for subsequent violations.

Biodegradable Microbeads Study

By August 15, 2016, the DEEP commissioner must accept an application on behalf of a personal care product manufacturer for a study at the commissioner’s request by the Connecticut Academy of Science and Engineering (CASE). The study must determine whether a biodegradable microbead is available for use

in the personal care product that does not adversely impact the environment or the state's publicly owned treatment works.

Under the act, the application must (1) require the microbead manufacturer to disclose the biodegradable microbead's chemical parts or composition and (2) be in a form the commissioner prescribes.

The commissioner must ask CASE to perform the study once he receives the application. CASE may establish a fee for the study, which the manufacturer must pay through DEEP.

After receiving the request and fee from the commissioner, CASE must begin the study, which includes:

1. a CASE-appointed study committee to oversee it;
2. use of a CASE-selected research team with biodegradable microbead expertise to conduct relevant research and author a study report; and
3. study committee meetings that allow the applicant, DEEP, and interested people to obtain information about the study.

Under the act, CASE must complete the study and issue the final study report to the commissioner by December 15, 2017. The commissioner must review the final report and forward it and any of CASE's legislative recommendations to the Environment Committee by February 1, 2018.

The act exempts from disclosure under the Freedom of Information Act any study-related information or materials submitted by an applicant to DEEP or CASE that the applicant indicates upon submission is a trade secret or privileged.

EFFECTIVE DATE: Upon passage

§ 51 — GROUP-WIDE SUPERVISOR FOR INTERNATIONALLY ACTIVE INSURANCE GROUPS

The act requires the insurance commissioner to select a group-wide supervisor for certain internationally active insurance groups that are also active in Connecticut. She must do this in cooperation with regulatory officials in other jurisdictions (state, federal, or international) where members of the insurance group are domiciled. The group-wide supervisor must be the commissioner or one of the other regulatory officials. The act specifies the (1) factors the commissioner must consider when selecting a group-wide supervisor and (2) commissioner's powers and responsibilities when selected to serve in that capacity. It allows the commissioner to adopt regulations to implement its provisions.

By law, an insurance company authorized to do business in Connecticut that is in a group of two or more affiliates (i.e., an insurance holding company

system) must register with the Insurance Department. Under the act, each registered company must pay for the department's reasonable expenses incurred in administering the group-wide supervisor provisions. These include retaining attorneys, actuaries, and other professionals, and reasonable travel expenses.

Definitions

Under the act, a "group-wide supervisor" is the regulatory official authorized by his or her jurisdiction to conduct and coordinate group-wide supervisory activities and determined or acknowledged to be the group-wide supervisor of an internationally active insurance group.

An "internationally active insurance group" is an insurance holding company system that (1) includes an insurance company registered in Connecticut as a member of a holding company system and (2) has (a) written premiums in at least three countries with at least 10% of the gross written premiums from outside of the United States and (b) total assets of at least \$50 billion or total gross written premiums of at least \$10 billion, based on a three-year rolling average.

Determining or Acknowledging the Group-Wide Supervisor

The act specifies the conditions for determining or acknowledging the appropriate group-wide supervisor. Under the act, the commissioner may determine that she is the appropriate group-wide supervisor for an internationally active insurance group that conducts substantial insurance business operations in Connecticut and act in that capacity as the act specifies.

Alternatively, she may acknowledge that the regulatory official of another jurisdiction is the appropriate group-wide supervisor for an internationally active insurance group that (1) does not conduct substantial insurance business in the United States or (2) conducts substantial insurance business in the United States but not in Connecticut. She may also acknowledge a regulatory official of another jurisdiction as group-wide supervisor if the insurance group conducts substantial insurance business in the United States and in Connecticut when she determines, based on the act's criteria, that the other official is the appropriate group-wide supervisor.

Under the act, an insurance holding company system that does not qualify as an internationally active insurance group may also request the commissioner to determine or acknowledge a group-wide supervisor.

When another jurisdiction's regulatory official is acting as the group-wide supervisor, the act requires the commissioner to acknowledge him or her as such. But the commissioner must determine or acknowledge a

different group-wide supervisor for the insurance group when a material change in the group results in (1) the largest share of the group's premiums, assets, or liabilities being held by member companies domiciled in Connecticut or (2) Connecticut being the domicile of the top-tiered insurance company or companies in the group. (In industry practice, a top-tiered company refers to the company at the top of the holding company system.)

The act allows a regulatory official determined or acknowledged to be the group-wide supervisor to determine that it is appropriate to acknowledge another regulatory official to serve as the group-wide supervisor. He or she must consider the same factors the commissioner considers when determining who should be the group-wide supervisor (see below). The acknowledgment must be made in (1) cooperation with, and subject to the acknowledgement of, other regulatory officials of the jurisdictions where the insurance group's member companies are domiciled and (2) consultation with the insurance group.

Factors to Consider

When determining who should be the group-wide supervisor, the commissioner must consider:

1. the domicile of the insurance group's member companies that hold the largest share of the group's premiums, assets, or liabilities;
2. the domicile of the insurance group's top-tiered insurance company or companies;
3. the locations of the insurance group's executive offices or largest operational offices; and
4. whether the regulatory official of another jurisdiction who is or is seeking to be the group-wide supervisor (a) is operating under a regulatory system the commissioner considers substantially similar to that provided under Connecticut law or is otherwise sufficient in terms of group-wide supervision, enterprise risk analysis, and cooperation with other regulatory officials and (b) provides the commissioner with reasonably reciprocal recognition and cooperation.

Notice of Determination or Acknowledgment

Before issuing a determination or acknowledgment, the commissioner must notify the member insurance company registered in Connecticut and person who ultimately controls the internationally active insurance group of the pending decision. She must give the insurance group at least 30 days to submit additional information pertinent to the decision.

The act requires the commissioner to publish in the *Connecticut Law Journal* a current list of internationally active insurance groups for which she has determined herself to be the group-wide supervisor. She must also post the list on the Insurance Department's website.

Information Collection

By law, the commissioner may order insurance companies to produce records, books, or other information in the possession of the company or its affiliates as are reasonably necessary to determine compliance with the holding company requirements. Under the act, she may also collect, from any insurance company registered in Connecticut, any information she needs to determine or acknowledge who should be the group-wide supervisor of an internationally active insurance group. By law, if a company fails to comply with such an order, the commissioner may examine any affiliate to obtain the information (CGS § 38a-14a).

Activities Authorized

The act authorizes the commissioner to conduct and coordinate the following activities for an internationally active insurance group she supervises:

1. assess the enterprise risks within the group to ensure (a) management identifies the material financial conditions of, and liquidity risks to, the group's member insurance companies and (b) reasonable and effective mitigation measures are in place;
2. request from the group's member companies information necessary and appropriate to assess enterprise risk, such as information about governance, risk assessment and management, capital adequacy, and material intercompany transactions;
3. coordinate and, through the authority of the regulatory officials where the group's member companies are domiciled, compel companies to develop and implement reasonable measures designed to ensure the group can timely recognize and mitigate material enterprise risks;
4. communicate with the regulatory agencies through a supervisory college (a group of insurance regulatory officials) where the group's member companies are domiciled and share relevant information subject to state law's confidentiality provisions; and
5. enter into agreements with, or obtain documentation from, any Connecticut-registered insurance company, any other member of the internationally active insurance group, and any other regulatory agencies where

the group's member companies are domiciled, to establish or clarify the commissioner's role as group-wide supervisor, including dispute resolution provisions.

Such agreements or documentation cannot serve as evidence that a company or person within an insurance company holding system not domiciled or incorporated in Connecticut is doing business here or is otherwise subject to Connecticut's jurisdiction.

In addition, the commissioner may conduct and coordinate other activities needed to effectuate the act's purposes.

Cooperating Through Supervisory Colleges

Under the act, if the commissioner acknowledges that a regulatory official of a jurisdiction not accredited by the National Association of Insurance Commissioners is the group-wide supervisor of an internationally active insurance group, she must reasonably cooperate through a supervisory college or otherwise with the group supervision that supervisor undertakes. But this cooperation must comply with Connecticut law, and the group-wide supervisor must recognize and cooperate with the commissioner's activities as a group-wide supervisor for other internationally active insurance groups.

The commissioner may refuse to cooperate if she determines the recognition and cooperation are not reasonably reciprocated. She may enter into agreements with, or obtain documentation from, any Connecticut-registered insurance company, any of its affiliates, and any regulatory official of another jurisdiction where the group's member companies are domiciled to establish or clarify that official's role as group-wide supervisor.
EFFECTIVE DATE: October 1, 2015

§ 52 – WORKERS' COMPENSATION APPROVED PROVIDER LISTS

Workers' compensation law generally requires an employer or its workers' compensation insurer to pay an injured employee's prescription drug costs directly to the provider (i.e., pharmacy). If the employer uses an approved providers list, the act requires the employer to provide a copy of it to an injured employee within two business days after the employee reports a work-related injury or condition to the employer.

EFFECTIVE DATE: July 1, 2015

§§ 53-55 — BIOSCIENCE INNOVATION FUND ADMINISTRATIVE COSTS

The act allows Connecticut Innovations, Inc. (CI) to use Bioscience Innovation Fund money to pay for its administrative costs, including peer review costs,

professional fees, allocated staff costs, and other out-of-pocket costs related to administering and operating the fund.

Under the act, CI may use no more than 5% of the total amount allotted for the year in the fund's operating budget to pay for its administrative costs, and expenditures from the fund for administrative costs do not have to be approved by the fund's advisory committee. The act also specifies that it does not require CI to risk or spend CI's funds to administer the Bioscience Innovation Fund.

EFFECTIVE DATE: Upon passage

§ 56 — IDENTIFICATION VERIFICATION FOR UTILITIES

Under the act, public service companies (i.e., utilities) that require a potential customer to disclose his or her Social Security number (SSN) must verify the SSN before opening a new account to ensure that it does not belong to a minor (i.e., someone under age 18). The act requires public service companies to cross reference the provided number with the customer's (1) legal name, (2) aliases, (3) date of birth, (4) current address, and (5) phone number. The act allows public service companies to use a third-party company to verify this information.

The act also makes minors immune from liability for payment of an unpaid bill to a public service company for services an adult obtained by fraudulently using the minor's SSN.

EFFECTIVE DATE: October 1, 2015

§ 57 — NOTICE OF FIRE SPRINKLER SYSTEM IN LEASES

The act requires landlords to include a notice in each dwelling unit's lease disclosing whether the unit has a working fire sprinkler system. If a unit has a working system, the lease must also include a notice indicating the date of its last maintenance and inspection. Both notices must be printed in a uniform font of at least 12-point, boldface type.

Under the act, a "fire sprinkler system" is a system of piping and appurtenances designed and installed according to generally accepted standards so that heat from a fire automatically causes water to discharge over the area, extinguishing the fire or preventing it from spreading.

EFFECTIVE DATE: October 1, 2015

§§ 58-71 & 88 — SET-ASIDE REQUIREMENTS AND CHRO ENFORCEMENT

The act subjects certain state-financed public works contracts awarded by municipalities to state set-aside

requirements for small and minority contractors. It similarly applies these requirements to projects administered by certain entities receiving state assistance from quasi-public agencies. The act subjects contractors awarded such contracts to, among other things, existing law's nondiscrimination and affirmative action requirements and the Commission on Human Rights and Opportunities' (CHRO) enforcement authority.

EFFECTIVE DATE: October 1, 2015, except the provision applying the act's requirements to CI and the Capital Region Development Authority (CRDA), which is effective January 1, 2016.

§§ 58, 59, & 88 – Set-Aside Contracts

The state set-aside program requires state agencies and political subdivisions (other than municipalities, under prior law) to set aside 25% of the total value of all contracts they let for construction, goods, and services each year for exclusive bidding by certified small contractors. The agencies must further reserve 25% of the set-aside value (6.25% of the total) for exclusive bidding by certified minority business enterprises (MBE) (see **BACKGROUND**). The act requires contractors awarded "municipal public works contracts" or contracts for "quasi-public agency projects" to comply with these requirements if the (1) contract involves state financial assistance and (2) total contract value exceeds \$50,000.

Beginning October 1, 2015, a municipality that awards a municipal public works contract must state in its notice of solicitation for competitive bids or request for proposals or qualifications that the general or trade contractor must comply with the above set-aside requirements and the law's nondiscrimination and affirmative action requirements (see below). The act specifies that these requirements do not apply to municipalities that have set-aside programs under which the MBE set-aside equals or exceeds 6.25% (currently Bridgeport, Hartford, and New Haven).

Beginning October 1, 2015, the act similarly requires any individual, firm, or corporation entering into a quasi-public agency project contract to notify the contractor before awarding the contract of the above set-aside requirements and the law's nondiscrimination and affirmative action requirements. It specifies that this requirement does not apply to CI or CRDA until January 1, 2016.

A "municipality" is any town, city, borough, consolidated town and city, or consolidated town and borough. A "municipal public works contract" is the portion of an agreement, financed in whole or in part by the state, entered into on or after October 1, 2015 between a municipality and any individual, firm, or corporation for constructing, rehabilitating, converting,

extending, demolishing, or repairing a public building or highway, or other changes or improvements in real property. These contracts exclude alliance district projects that are financed with state funding of \$50,000 or less. (Alliance districts are the 30 school districts in the state with the lowest district performance index, which is a weighted measure of student mastery test scores by district.) A "quasi-public agency project" is the construction, rehabilitation, conversion, extension, demolition, or repair of a building, or other changes or improvements in real property, pursuant to a contract entered into on or after October 1, 2015 and financed in whole or in part by a quasi-public agency using state funds.

For both types of contracts, state funds include matching expenditures, grants, loans, insurance, or guarantees.

§ 61 – Set-Aside Goals

By law, state agencies and political subdivisions other than municipalities must annually notify the Department of Administrative Services (DAS) commissioner of their certified small contractor and MBE set-aside goals for the current fiscal year. The act moves the annual reporting date from August 30 to August 1. It specifies that municipal public works and quasi-public agency project contracts are not subject to this reporting requirement.

§ 62 – Program Administration

By law, DAS is responsible for administering the set-aside program for public works contracts and state contracts for goods and services. The act (1) makes CHRO responsible for program administration with respect to municipal public works and quasi-public agency project contracts, including providing training sessions, and (2) allows the commission to adopt regulations to implement the program's requirements.

The act specifies that public works contracts awarded by a quasi-public agency itself (rather than an entity receiving state funds from a quasi-public agency) are subject to the requirements that apply to state agency public works contracts (e.g., such contracts are subject to the above goal requirements).

§§ 63 & 64 – Nondiscrimination Requirements

Under existing law, all contractors that enter into contracts (regardless of value) with the state or one of its political subdivisions, other than a municipality, must file a representation or documentation with the contracting agency indicating they comply with state anti-discrimination laws. The act extends this requirement to contractors that enter into municipal public works or quasi-public agency project contracts

except that it requires these contractors to file the representation or documentation with CHRO rather than the contracting agency. It prohibits municipalities and entities from awarding contracts to contractors that have not provided the representation or documentation.

The act also extends to these contractors requirements that they, among other things, (1) state in their job advertisements that they are “affirmative action-equal opportunity employers,” (2) comply with nondiscrimination and affirmative action requirements and orders issued by CHRO, and (3) provide CHRO with access to certain employment practice records. The contractors must also agree and warrant that they will make good faith efforts to employ MBEs as subcontractors and materials suppliers. They must include these provisions in every subcontract entered into to fulfill any obligation of a municipal public works or quasi-public agency project contract.

Under prior law, these requirements did not apply to contracts where each contractor was a political subdivision of the state. The act applies the requirements to contracts between political subdivisions that are (1) municipal public works contracts or (2) quasi-public agency project contracts.

§ 65 – Minority Business Enterprise Review Committee

The act requires the Minority Business Enterprise Review Committee to conduct an ongoing study of municipal public works contracts and contracts for quasi-public agency projects. It allows the committee to request information from CHRO on contractors’ compliance with the nondiscrimination provisions described above. Under existing law, the committee has these duties and authority with respect to state agencies.

§§ 66-68 – Affirmative Action Requirements

Under existing law, the successful bidder for a public works contract awarded by a state agency or political subdivision, other than a municipality, for more than \$500,000 and paid for in whole or in part with state funds must file with and obtain CHRO’s approval for an affirmative action plan before the contract is awarded. The act extends this requirement to bidders for municipal public works or quasi-public agency project contracts that meet these criteria. It also extends to the municipality or entity a requirement to withhold 2% of the total contract price per month from a contractor that does not have an approved affirmative action plan.

Under existing law, if a contractor is not subject to the above filing requirement, it still must file an affirmative action plan with CHRO if it (1) has 50 or more employees and (2) is awarded a public works contract by a state agency or political subdivision other than a municipality for more than \$50,000. (The plan

does not need to be filed before the contract is awarded.) The act also extends this requirement to such contractors that enter into municipal public works or quasi-public agency project contracts exceeding the \$50,000 threshold.

§ 70 – Municipal Contract Compliance Programs

The act allows CHRO to permit a municipality to use its own contract compliance program if the commission determines that the municipality’s program is at least equivalent to existing law’s nondiscrimination and affirmative action requirements. A contractor that enters into a municipal public works contract with such a municipality may be relieved from complying with certain statutory contract compliance requirements as long as it complies with the municipality’s program. By law, CHRO may similarly allow state agencies to use their own compliance programs.

§§ 69 & 71 – Enforcement

The act subjects contractors with a municipal public works or quasi-public agency project contract to CHRO’s enforcement authority if they violate the law’s nondiscrimination and affirmative action requirements. If after a hearing CHRO finds noncompliance by the contractor with respect to such requirements, it may, among other things, (1) order the municipality or entity to withhold 2% of the total contract price per month from such contractors, (2) prohibit the contractor from entering into further municipal public works or quasi-public agency project contracts for a specified period of time, or (3) refer the matter to the attorney general or appropriate prosecuting authority.

The act similarly prohibits municipalities and entities from entering into a municipal public works contract or quasi-public agency project contract, respectively, with any bidder or prospective contractor that does not comply with (1) the law’s nondiscrimination and affirmative action requirements or (2) orders issued by CHRO. Under existing law, this prohibition applies to state agencies. The act also allows CHRO to order municipalities and entities to refrain from contracting with non-complying contractors.

Additionally, the act modifies provisions affecting CHRO’s contract compliance enforcement (see CHRO below).

Background – Definitions of Certified Small Contractor and MBE

By law, a “certified small contractor” is a business that (1) maintains its principal place of business in Connecticut, (2) had gross revenues of \$15 million or less during its most recent fiscal year, and (3) is

independent. MBEs are small contractors owned by women, minorities, or people with disabilities. The owner must have managerial and technical competence and experience directly related to his or her principal business activities (CGS § 4a-60g(a)).

§§ 71-87 — CHRO

The act makes numerous changes to the CHRO statutes and other anti-discrimination laws, including several minor, technical, and conforming changes.

It makes certain technical changes to conform to changes to another CHRO statute (CGS § 46a-83) in PA 15-249.

EFFECTIVE DATE: October 1, 2015

§ 71 – Contract Compliance

By law, CHRO can issue a discrimination complaint against a contractor or subcontractor if it determines through its monitoring and compliance process that the contractor has not complied with anti-discrimination and affirmative action requirements for state and public works contracts. The act requires the complaint to be scheduled for a hearing before a human rights referee instead of a referee or hearing officer.

By law, if the presiding officer (i.e., the referee) makes a finding of noncompliance after a hearing, he or she can take a range of specified actions. The act requires the presiding officer to order the relief needed to achieve full compliance with any anti-discrimination law and required contract provisions.

The act also makes changes to some of the existing authority the presiding officer has after finding such noncompliance. It specifically allows the officer to order two or more remedies designed to achieve full compliance.

Under existing law, the officer can order the state to retain 2% of the total contract price per month on any existing contract with the noncomplying contractor. The act (1) specifies that this refers to the amount the state must withhold until CHRO approves the contractor's affirmative action plan and (2) requires this amount to be deposited in the fund that holds penalties collected for certain fraudulent acts related to qualification as an MBE.

Prior law allowed the presiding officer to notify the attorney general when there was a substantial or material violation or the threat of such a violation of the required anti-discrimination and affirmative action provisions in state contracts. The act allows such notice only for substantial violations or the threat of such violations. Similarly, the act allows the presiding officer to recommend to a contracting agency that the agency declare a contractor to be in breach of contract only for substantial violations, not merely material violations,

still occurring after a specified period of time.

The act allows the presiding officer to recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under laws related to Title VII of the 1964 Civil Rights Act, in addition to Title VII itself, when necessary.

By law, CHRO must adopt regulations to implement these provisions.

Fraud Related to MBE Qualification. Existing law allows CHRO to assess a civil penalty of up to \$10,000 if it determines through its monitoring and complaint procedure and following a hearing that a contractor, subcontractor, or supplier has (1) fraudulently qualified as an MBE or (2) performed services or supplied material on behalf of another contractor, subcontractor, or supplier, knowing it has fraudulently qualified and that the supplies or material will be used for a set-aside contract. The act specifies that these provisions also apply to service providers.

§ 73 – Deprivation of Rights Based on Mental Disability

By law, it is a discriminatory practice to deprive someone of rights, privileges, or immunities secured or protected by state or federal laws or constitutions based on certain factors (such as the person's race, sex, or physical disability). The act adds mental disability to this list.

§§ 74 & 75 – Discriminatory Practice Complaint – General Provisions

The act eliminates the notarization requirement for discriminatory practice complaints alleging housing discrimination. This change makes state law consistent with federal Housing and Urban Development procedures.

It requires the commission to provide, rather than serve, the claimant a notice (1) acknowledging receipt of the complaint and (2) advising of the time frames and forum choices in the anti-discrimination law.

By law, CHRO retains jurisdiction over a complaint pending before it, even if it fails to comply with certain time requirements. The act further provides that for discrimination cases in Superior Court, the court retains jurisdiction even if CHRO failed to comply with these time requirements.

§ 75 – Complaints Pending More Than Two Years

By law, if a discrimination complaint has been pending for more than two years, and the CHRO investigator has not yet issued a finding as to whether there is reasonable cause that discrimination occurred, either party can petition the Hartford Superior Court for an order requiring CHRO to issue a finding by a

specified date. The act eliminates the option of serving the hearing notice on CHRO's legal counsel, requiring it to be served on the executive director exclusively.

Existing law generally requires the court to award the petitioner court costs and attorney's fees for the associated hearing, unless CHRO shows good cause for not issuing a finding by a certain date. The act sets this as the date ordered by the executive director for the investigator to issue a finding rather than the later of this date and two years after the complaint filing as under prior law. (By law, the award is discretionary and capped at \$500; certain petitioners are ineligible.)

§ 77 – Certification of Complaint

By law, if a CHRO investigator who finds reasonable cause to believe that discrimination occurred fails to eliminate it within 50 days, the investigator must certify the complaint and results of the investigation (within 10 days after the 50-day period) to the executive director and attorney general. The act specifies that the investigator's conclusion that conciliation has failed is conclusive.

Under prior law, after a complaint was certified, the chief human rights referee had to appoint a hearing officer, hearing adjudicator, or human rights referee to act as presiding officer to hear the complaint or conduct settlement negotiations; a volunteer attorney could also supervise a settlement. The act eliminates references to hearing officers or adjudicators for these purposes. It requires the chief referee to appoint (1) a human rights referee to act as presiding officer to hear the complaint and (2) a different referee or a volunteer attorney to conduct settlement negotiations. It applies this same requirement to complaints heard after early legal intervention. It also makes similar changes concerning complaints filed by CHRO against contractors and subcontractors.

The act requires any hearing, hearing conference, or settlement conference to take place at CHRO's Hartford office unless all parties agree to a different location. It eliminates the option for CHRO to choose on its own another location for a hearing.

By law, the attorney general or CHRO legal counsel can withdraw the certification of a complaint and remand the case to the investigator upon determining that a material mistake of law or fact was made in the reasonable cause finding. The act also allows cases referred for an administrative hearing after early legal intervention to be remanded if CHRO legal counsel determines that further investigation is needed. In either situation, the act requires the investigator to complete any required action within 90 days after receiving the file.

The act grants the chief referee, rather than CHRO generally, the authority to allow the parties in

employment discrimination cases to engage in alternative dispute resolution.

Existing law allows a presiding officer to enter a default and order necessary relief if the respondent fails to timely file an answer or appear at the hearing after receiving proper notice. The act allows this if the respondent fails to answer within 15 days after the complaint was served rather than the time limits set by CHRO regulations.

It expands the grounds for default orders to include failure to appear at the hearing conference or settlement conference after proper notice. It also extends the authority to enter defaults to a volunteer attorney assigned to supervise the settlement. It provides that if a volunteer attorney enters a default, the chief referee must assign a referee to act as presiding officer to award relief.

§ 78 – Written Findings of Fact After Hearing

The act requires that CHRO presiding officers' factual findings after the hearing be in writing. This applies regardless of whether the officer found evidence of discrimination. It specifies that the presiding officer must also serve the order on the complainant, not just the respondent.

§§ 79 & 80 – CHRO Petitions for Relief and Related Matters

The act specifies that CHRO, and not an individual commissioner, has the authority to bring a petition for injunctive relief in employment discrimination matters involving employers with at least 50 employees. The decision must be based on the executive director's belief that such relief is necessary instead of an individual commissioner's; however, unlike prior law for individual commissioners, the act does not require the executive director to follow the investigator's recommendation. The act allows such petitions to be made in Hartford Superior Court in addition to the venues allowed by existing law (i.e., the district where the respondent resides or where the alleged discrimination occurred).

For housing or public accommodations discrimination matters, the act specifies that if CHRO, rather than an individual commissioner, believes that injunctive relief is needed or punitive damages or a civil penalty would be appropriate, the commission may bring a petition seeking such relief.

It also provides that the (1) chief referee, and not the commission chairperson, must schedule a hearing within 45 days after any temporary injunctive relief or restraining order and (2) executive director, and not the chairperson, may petition to make a temporary injunction permanent in several types of matters.

§ 81— Reopening

By law, a complainant or respondent can ask CHRO to reopen a case by applying within two years of CHRO’s final decision. The act specifies that an application for reopening is not permitted if the complainant (1) has been granted a release from CHRO jurisdiction or (2) has not been granted a release but has filed a court case.

§ 84 — Venue for Civil Action After Release From CHRO Jurisdiction

The act allows someone who has obtained a release from CHRO jurisdiction to bring a court case in the district where he or she resides, in addition to those venues already allowed (i.e., generally, the district where the discrimination allegedly occurred or where the respondent transacts business).

§ 87 — Whistleblower

By law, CHRO’s executive director, through the supervising attorney, may assign legal counsel to represent CHRO in a hearing or appeal concerning alleged retaliatory action related to whistleblowing by an employee of the state, a quasi-public agency, or large state contractor. The act provides that CHRO legal counsel may intervene as a matter of right in these hearings or appeals without permission from the parties, hearing officer, or court.

§ 89-92 — FUNDS CARRIED FORWARD

The act carries forward prior years’ unspent balances from FY 15 to FY 16 and requires them to be used for other purposes in the same agency, as shown in Table 1.

Table 1: Funds Carried Forward for a Different Purpose

§	Agency	Amount	Prior Purpose	New Purpose
89(a)(1)	DEEP	Up to \$100,000	Other expenses	Other expenses: •\$40,000 to the New London County 4-H Camp •\$135,000 for the West River Watershed Plan
89(a)(2)	DEEP	Up to \$205,000	Solid waste	
89(a)(3)	DEEP	Up to \$200,000	Environmental conservation	
89(a)(4)	DEEP	Up to \$200,000	Environmental quality	•\$300,000 to Action for Bridgeport Community Development, Inc. for its weatherization program •\$50,000 to provide drinking water for certain residents affected by contaminated groundwater •\$180,000 for the aquatic invasive species management program
90	DEEP	Up to \$40,000	Solid waste	Dam Maintenance: •\$20,000 for a hydrology study in Ledyard •\$20,000 for a hydrology study in East Hampton
91	Judicial Department	Up to \$250,000	Juvenile alternative incarceration	Grant to the COMPASS Youth Collaborative, Inc. Peacebuilders program
92	OPM	Up to \$1,100,000	Tax relief for elderly renters	Litigation/settlement account

EFFECTIVE DATE: July 1, 2015

§ 93 — BOYS AND GIRLS CLUBS GRANTS

The act requires \$1,000,000 of the funds appropriated in both FY 16 and FY 17 to the SDE for Neighborhood Youth Centers to be made available for grants to the state’s Boys and Girls Clubs of America in each fiscal year.

EFFECTIVE DATE: July 1, 2015

§ 94 — YOUTH SERVICES PREVENTION

The act specifies that the Judicial Department’s Youth Services Prevention appropriations must be distributed to certain governmental and non-governmental entities, in both FY 16 and FY 17. Table 2 provides each grant recipient and amount received.

Table 2: Youth Services Prevention Grants

<i>Grant Recipient</i>	<i>Grant Amount Each FY</i>
Boys and Girls Club of Stamford	\$113,110
Archipelago Inc. – Project Music	35,000
Faith Tabernacle Baptist Church	148,110
Prudence Crandall Center, Inc.	16,788
Family Enrichment Center of the Hospital of Central Connecticut	16,788
OIC of New Britain Inc.- Project G.R.E.A.T.	50,000
Pathways/Senders	50,000
Human Resources Agency of New Britain, Inc.	100,000
Mi Casa, Hispanic Health Council	35,000
Charter Oak Amateur Boxing Academy and Youth Development Program (COBA)	30,000
Southwest Boys and Girls Club/1 Chandler Street, Hartford	30,000
Youth Challenge	34,000
BSL Educational Foundation of Alpha Phi Alpha, Inc.	30,662
Town of Windsor – Collaborative	31,000
Supreme Being, Inc.	31,000
Phillips Metropolitan Christian Methodist Episcopal Church	25,000
Windsor Troop 49	5,000
North End Action Team	156,700
The Village Initiative Project, Inc. - VIP College Prep and Life Skills	111,975
Bridgeport Caribe Youth League, Inc.	80,000
McGivney Community Center, Inc.	31,975
Serving All Vessels Equally	211,151
Walnut Orange Walsh Neighborhood	60,394
St. Margaret Willow Plaza NRZ, Assoc., Inc.	60,394
Hispanic Coalition of Greater Waterbury	60,394
The Boys and Girls Club of Greater Waterbury	60,394
Waterbury Police Activity League, Inc.	60,394
Rivera Memorial Foundation, Inc.	60,394
Dixwell Children's Creative Arts Center	124,004
Police Athletic League of New Haven	50,000
Arte, Inc.	174,004
r Kids Family Center	50,000
Guns Down, Books Up	74,004
EIR Urban Youth Boxing, Inc.	50,000
Foster Buddies Network/Hartford Boxing Center	45,986
Police Athletic League of Hartford	30,000
OPMAD, Inc.	20,000
Samuel V. Arroyo Center, Hartford	20,000
Wakeman Boys and Girls Club, Southport	20,000
Walter E. Lockett, Jr. Foundation	111,975
Little League Baseball, Inc.	40,538
New London Youth Football League	40,539
East Hartford Youth Services	85,150
Manchester Youth Service Bureau	85,150
Boys and Girls Club of Bridgeport, Inc.	61,975
Bridgeport Caribe Youth League, Inc.	50,000
Upper Albany Collaborative	32,662
C.U.R.E.T	20,000
Hartford Knights	50,000
Blue Hill Civic Association	20,000
Artists Collective	35,000
Ebony Horsewomen	35,000
Youth Challenge	25,000
Goodworks, Inc.	27,662
M.G.L.I., Inc.	62,000
City of Hartford Southend Boys Scouts	15,000
Department of Families, Children, Youth and	45,000

<i>Grant Recipient</i>	<i>Grant Amount Each FY</i>
Recreation/City of Hartford	
Kenneth R. Jacksons Mentoring Services, Inc.	111,975
Mount Aery Development Corporation	111,975
Girls, Inc.	16,712
Boys and Girls Club of Meriden	16,712
Beat the Street Community Center	16,712
Meriden YMCA	16,712
Women and Families Center	16,712
City of Meriden/Youth Services Division	16,712
City of Meriden/Police Cadets	16,712
Rushford Hospital Youth Program	16,712
New Opportunities of Greater Meriden/Boys to Men Program	16,712

EFFECTIVE DATE: July 1, 2015

§ 95 — DSS FATHERHOOD INITIATIVE PROGRAM GRANTS

For FY 16 and FY 17, the act requires DSS to provide grants under the Fatherhood Initiative Program proportionately to the same providers that received funding in FY 15. In FY 15, the Fatherhood Initiative Program provided \$87,720 in grants to:

1. Career Resources in Bridgeport;
2. Families in Crisis in Hartford;
3. New Haven Family Alliance in New Haven;
4. Madonna Place, Inc. in Norwich;
5. Family Strides, Inc. in Torrington; and
6. New Opportunities, Inc. in Waterbury.

EFFECTIVE DATE: July 1, 2015

§ 96 — CRADLE TO CAREER NETWORK GRANTS

The act requires the Department of Labor (DOL) to distribute its FY 16 and FY 17 appropriations for the Cradle to Career Network as grants to the private entities listed below to establish a public-private partnership with community organizations to improve the Network. Each of the following entities will receive \$50,000 in both FY 16 and FY 17:

1. United Way of Coastal Fairfield County in Bridgeport,
2. The Stepping Stones Museum for Children in Norwalk on behalf of Norwalk ACTS,
3. United Way of Western Connecticut in Danbury, and
4. The Bridge to Success Community Partnership in Waterbury.

EFFECTIVE DATE: July 1, 2015

§§ 97 & 98 — RETIRED TEACHERS' HEALTH INSURANCE PREMIUM ACCOUNT

The act removes the annual cap of \$150,000 on health care benefit consultant costs (i.e., professional administrative fees) that may be paid from the Retired

Teachers' Health Insurance Premium account for health benefit plans offered to members of the Connecticut Teachers' Retirement System.

EFFECTIVE DATE: July 1, 2015

§§ 99-101 — MINIMUM WAGES FOR LEGISLATIVE CONTRACTORS' EMPLOYEES

The act generally requires the Joint Committee on Legislative Management to require contractors and their subcontractors to pay at least \$15 per hour to their employees providing services at the Legislative Office Building, State Capitol, or Old State House. The committee must include the requirement in any of its contracts for contractual services or personal service agreements entered into, executed, or extended on or after July 1, 2015. The requirement does not apply to those employees who receive services from the Department of Developmental Services (DDS).

The act's minimum wage requirement applies regardless of whether the employee is required to be paid at a lower rate under the state's standard wage law, which generally requires private contractors providing certain services in state buildings to pay their workers a wage rate determined by the labor commissioner. If the standard wage law requires an hourly wage rate greater than \$15, the employee must receive the greater wage rate.

The act also prohibits the committee from waiving the \$15 hourly minimum requirement under its authority to waive certain contracting requirements as "minor irregularities" when considering bids and proposals.

By law, "contractual services" covered by the requirement are services provided by people other than state employees for, among other things, laundry and cleaning; pest control; janitorial work; security; machinery or equipment rental, repair, or maintenance; advertising; and data entry and processing (CGS § 2-71p). "Personal service agreements" are written agreements defining the services or end product to be delivered by a person, firm, or corporation hired by the committee, but not employed by the state, to provide services to the General Assembly (CGS § 2-71t).

EFFECTIVE DATE: July 1, 2015

§§ 102-103 — EDC PROPOSAL FOR GRID-SIDE ENHANCEMENTS

The act requires each electric distribution company (EDC) (i.e., Eversource and United Illuminating) to submit at least one proposal to DEEP for a pilot program to build, own, or operate grid-side system enhancements, including energy storage systems. The proposed programs must demonstrate and investigate how distributed energy resources (DER) can be reliably and efficiently integrated into the electric distribution

system in a way that maximizes the value they provide to the electric grid, electric ratepayers, and the public.

The proposal must complement and enhance various initiatives that support DER, which, under the act, appear to include the programs, products, and incentives available through (1) the Connecticut Green Bank and the Connecticut Energy Efficiency Fund, (2) the law's requirement for EDCs to purchase renewable energy credits from certain zero-emission (Z-REC) and low-emission (L-REC) generation projects, and (3) other similar programs that support DER deployment.

Under the act, "grid-side system enhancements" are investments in distribution system infrastructure, technology, and systems designed to enable DER deployment and allow for grid management and system balancing. They include energy storage systems, distribution system automation and controls, intelligent field systems, advanced distribution system metering, communication, and systems that enable two-way power flow. A "distributed energy resource" is a:

1. customer-side or grid-side distributed resource that generates electricity from a Class I renewable energy source (e.g., solar or wind power) or Class III source (e.g., certain combined heat and power systems);
2. customer-side distributed resource that reduces demand for electricity through conservation and load management (e.g., programs that pay customers to reduce their usage during times of peak demand);
3. energy storage system located on the customer-side of the meter or connected to the distribution system; or
4. microgrid.

DEEP must evaluate the proposals and may approve them if they show how (1) grid-side system enhancements can be reliably and cost-effectively integrated into the electric distribution system and (2) they maximize the value provided to ratepayers. Any proposal DEEP approves must also be reviewed and approved by PURA. PURA must approve a proposal if it concludes that investing in the enhancement is reasonable, prudent, and provides value to ratepayers.

The act allows the EDCs to enter into joint ownership agreements, partnerships, or other contractual agreements for services with private entities to carry out the proposals. Until its next rate case, an EDC must recover its costs for the proposals from all of its customers through a fully reconciling component of all EDC customers' electric rates. At the next rate case, the costs must be recoverable through the company's base distribution rates (i.e., they are incorporated into the company's regular distribution rates).

DEEP must evaluate the approved proposals and submit a report to the Energy and Technology Committee by January 1, 2017. The report must

evaluate the performance, costs, and benefits associated with grid-side system enhancements procured under the act.

EFFECTIVE DATE: July 1, 2015

§ 104 — CLASS I PROPERTY TAX ABATEMENT

The law requires the DEEP commissioner, under certain conditions, to solicit power purchase agreement proposals from Class I renewable energy sources built on or after January 1, 2013. If a proposal meets certain conditions, the commissioner can require an EDC to enter into a PURA-approved power purchase agreement for up to 20 years with the proposal's Class I facility.

For assessment years starting on and after October 1, 2015, the act allows municipalities to abate up to 100% of the property taxes due for any tax year for any Class I renewable energy source subject to one of these power purchase agreements. The abatement (1) cannot be for longer than the power purchase agreement's term and (2) must be approved by a vote of the municipality's legislative body, or if the legislative body is a town meeting, by its board of selectmen.

EFFECTIVE DATE: Upon passage

§ 105 — LIMITED RESIDENTIAL FIXED CHARGE

The next time an EDC files a request to amend its rates, the act requires PURA to adjust the company's residential fixed charge so that it only recovers the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections, and providing customer service. Under the act, a "residential fixed charge" is any fixed fee charged to residential electric customers, including a (1) fixed charge for distribution basic service, (2) distribution customer service charge, (3) customer charge, or (4) basic service fee that is separate and distinct from any per kilowatt-hour distribution charge.

The act exempts rates for residential electric heating services from the fixed charge limit. It also prohibits PURA, when determining an EDC's new residential fixed charges, from causing a cost-shift to other rate classes.

EFFECTIVE DATE: July 1, 2015

§ 106 — NATURAL GAS EXPANSION PROPERTY TAX ABATEMENT

The act allows municipalities, by a vote of their legislative bodies or, if the legislative body is a town meeting, their boards of selectmen, to abate up to 100% of a gas company's annual personal property taxes to facilitate natural gas expansion projects. The municipality can abate the taxes for up to 25 tax years. The gas company must include the abatement when

calculating the "hurdle rate" for gas expansion projects within the municipality.

In general, when a gas company seeks to expand its distribution system, the "hurdle rate" refers to the amount of projected new distribution revenues needed over a 25-year period to pay for the expansion. If the expansion will not pay for itself in this period, the new customers served by the expansion must pay for the shortfall through an additional contribution-in-aid-of-construction (CIAC) charge. (Presumably, including a property tax abatement in a hurdle rate calculation will lower the hurdle rate and thus decrease the (1) likelihood that new customers must pay a CIAC or (2) amount of the CIAC, if applicable.)

EFFECTIVE DATE: July 1, 2015 and applicable to assessment years commencing on or after October 1, 2015.

§ 107 — HEATING ASSISTANCE PROGRAMS

The act requires the Low-Income Energy Advisory Board to recommend ways to improve the implementation of heating assistance programs, particularly those created to benefit low-income households, by coordinating and optimizing existing energy efficiency and assistance programs. The recommendations must consider:

1. securely sharing DEEP's, DSS's, community action agencies', EDCs', and municipal electric companies' (a) heating assistance program applicant data on customer energy usage levels, past participation, and eligibility for energy assistance and efficiency programs and (b) other data relevant to improving coordination between the programs and their administrators;
2. exploring current energy assistance and efficiency programs' costs and benefits and maximizing customer benefits through their participation in any combination of the programs;
3. streamlining the programs' application process and possibly developing joint electronic applications;
4. making the programs more accessible and feasible for renters, including how to best secure landlord permission; and
5. coordinating efforts to best improve boiler and furnace replacement programs.

The board must report its recommendations to the Appropriations, Energy and Technology, and Human Services committees by January 1, 2016.

EFFECTIVE DATE: October 1, 2015

§ 108 — PURA STUDY ON EXPIRING RETAIL SUPPLIER CONTRACTS

PA 15-90 requires PURA to develop recommendations and guidance about just and reasonable generation service rate increases for residential customers who allow a fixed contract with a retail electricity supplier to expire and begin paying the supplier a month-to-month rate. The act instead requires PURA's recommendations and guidance to address changes customers in these circumstances may experience regarding their rates and the terms and conditions of their service.

EFFECTIVE DATE: Upon passage

§ 109 — MUNICIPAL UTILITY SECURITY DEPOSITS

By law, municipal gas or electric companies can require customers to provide a security deposit that covers the cost of up to three months of gas or electricity. The act allows customers of municipal gas or electric utility companies to pay their required security deposits by cash, letter of credit, or surety bond.

It also allows municipal electric companies that are members of a municipal electric energy cooperative to return half of a nonresidential customer's security deposit if the customer's account remains in good standing for two years.

EFFECTIVE DATE: October 1, 2015

§§ 110 & 111 — REGIONAL SERVICES GRANTS FOR COUNCILS OF GOVERNMENTS (COG)

PA 15-244 (§ 207) requires, beginning in FY 17, OPM to distribute regional services grants to COGs on a per capita basis, based on Department of Public Health (DPH) population estimates. This act eliminates the requirement that these grants be distributed on a per capita basis, instead requiring them to be distributed based on a formula determined by the OPM secretary.

PA 15-244 requires COGs to use the grants for planning purposes and to achieve efficiencies in delivering municipal services on a regional basis, including regional consolidation.

EFFECTIVE DATE: October 1, 2015

§ 112 — CIVIL ACTIONS TO COLLECT PAST DUE PAYMENTS TO EMPLOYEE WELFARE FUNDS

The act allows an employee to sue for unpaid wages over an employer's past due payments to an employee welfare fund. The payment must be past due under a written contract's terms or the rules and regulations adopted by the fund's trustees. Under the act, an "employee welfare fund" is a trust fund

established by one or more employers and one or more labor organizations, or other third parties that are not affiliated with the employers, to provide benefits (e.g., healthcare, disability, or retirement benefits) for employees and their families or dependents.

In such actions, the law generally requires an employee to be awarded up to twice the amount owed plus costs and attorney's fees. (PA 15-86 made an award for double damages mandatory unless an employer shows a good-faith belief that its underpayments were legal; prior law allowed courts to award up to double damages.) The labor commissioner can also (1) collect the past due payments plus interest or (2) bring a legal action to recover up to twice the amount owed plus costs and reasonable attorney's fees. The act applies to all employers; however, it appears that the federal ERISA may preempt this provision from applying to private sector employers and employees (see below).

The act also allows such an aggrieved employee to bring a civil action against (1) a sole proprietor or general partner, or officer, director, or member of a corporation or LLC who failed to make the required payment or (2) any employee of a corporation or LLC who was designated to make the payment but failed. Under the act, these people can be found personally liable for the amount due plus costs and reasonable attorney's fees. It appears that ERISA may also preempt this provision from applying to private sector employers and their employees.

ERISA Preemption

ERISA is a federal regulatory scheme for private sector employee benefit plans. Among other things, it sets requirements for benefit plan funding and fiduciary duties and specifies the civil remedies available to address violations. In general, the U.S. Supreme Court has ruled that state laws providing alternative enforcement mechanisms to ERISA are preempted because they undermine Congress's intent to replace conflicting or inconsistent state and local regulations with a uniform body of federal law and regulation (*Ingersoll-Rand Co. v. McClendon*, 498 U.S. 133 (1990)). The U.S. Second Circuit Court of Appeals also found that ERISA preempted a New York law that made corporate officers personally liable for a failure to contribute to an employee welfare fund (*Romney v. Lin*, 94 F.3d 74 (1996)).

Because ERISA preemption is generally limited to private sector employers and employees, the act's provisions may only apply to public employers and employees.

EFFECTIVE DATE: October 1, 2015

§ 113 — LABOR PEACE AGREEMENTS

The act requires the state, in certain state-backed “hospitality projects,” to require contracts for hotel or concession area operation or management services to include a labor peace agreement between the contractor (including any of its subcontractors, tenants, or licensees) and the labor organization representing or seeking to represent the hotel’s or concession area’s employees. Under the act, a “labor peace agreement” is an agreement that requires the labor organization and its members to refrain from engaging in labor activity that may disrupt the hotel’s or concession area’s operations, including strikes, boycotts, work stoppages, and picketing.

The requirement applies if the state has a “substantial proprietary interest” in the hospitality project. The state has such an interest if (1) its investment in the project is at least \$6 million or 20% of the project’s costs, whichever is less, which must be reimbursed under a finance agreement or (2) the project has a contract, lease, or license that entitles the state to receive rents, royalties, or other payments in connection with a property provided by the state and based on the project’s revenue. The act requires the labor peace agreement to remain effective until the state’s financial investment is fully repaid.

Under the act, a “hospitality project” is a (1) capital project involving a restaurant, bar, club, cafeteria, or other food and beverage operation within a hotel’s premises or (2) concession area used to provide food and beverage or news and gift services within the premises of a state-owned or -operated facility financed or contracted for by the state. A “capital project” is any acquisition, construction, rehabilitation, or remodeling of any structure (1) used or intended for commercial purposes and (2) financed in whole or in part with funds or property from or arranged by the state, including grants, loans, bonds, revenue bonds, tax increment financing, real property conveyances, or other means.

EFFECTIVE DATE: January 1, 2016

§§ 114-115 — CONCUSSION INFORMATION FOR YOUTH ATHLETES

The act requires youth athletic activity operators, beginning by January 1, 2016, to annually make a written or electronic statement on concussions available to every youth participating in a youth athletic activity and his or her parent or legal guardian.

The operator must make the statement available when the youth registers. The statement must be consistent with the most recent information provided by the National Centers for Disease Control and Prevention (CDC) on concussions and include information on:

1. concussion signs or symptom recognition;
2. how to obtain proper medical treatment for someone suspected of sustaining a concussion;
3. the nature of concussions and their risks, including the danger of continuing to engage in athletic activity after sustaining a concussion; and
4. proper procedures for allowing a youth who sustained a concussion to return to athletic activity.

Under the act, no operator or operator’s designee is subject to civil liability for failing to make the written or electronic statement regarding concussions available, as required by the act.

The act also makes a technical change.

Youth Athletic Activity

The act defines “youth athletic activity” as an organized athletic activity involving participants between ages seven and 19 who:

1. either (a) engage in, or practice or prepare for, an organized athletic game or competition against another team, club, or entity or (b) attend an organized athletic camp or clinic intended to train, instruct, or prepare participants to engage in organized athletic games or competitions and
2. either (a) pay a fee to participate in the game or competition or attend the camp or clinic or (b) have a municipality, business, or nonprofit organization sponsor their participation cost.

It excludes any college or university athletic activity or an athletic activity incidental to a nonathletic program or lesson.

Operator

The act defines “operator” as any municipality, business, or nonprofit organization that conducts, coordinates, organizes, or otherwise oversees any youth athletic activity. It does not include a municipality, business, or nonprofit organization that only provides access to, or use of, a field, court, or other recreational area, either for compensation or not.

EFFECTIVE DATE: July 1, 2015

§ 116 — AQUACULTURE ADVISORY COUNCIL

The act establishes a 13-member Aquaculture Advisory Council and places it in the Agricultural Experiment Station for administrative purposes. The council must meet quarterly and, beginning by July 1, 2016, report annually to the governor and Environment Committee on the status of the state’s shellfish industry and any related recommendations.

Duties

Under the act, the Aquaculture Advisory Council must:

1. develop a recommended plan to expand the state’s shellfish industry,
2. recommend procedures for having maps with the names of state shellfish bed lessees publicly available,
3. review the state shellfish leasing process and recommend to the governor and Environment Committee any changes to the leases or leasing process,
4. review health and safety standards relating to the state’s shellfish industry,
5. review existing laws and procedures on recreational shellfishing,
6. review other coastal states’ laws and regulations on shellfish size and recommend changes to Connecticut’s related law,
7. coordinate with other states to inform recommendations on how to further develop the state’s shellfish industry, and
8. provide recommendations on policies of the Department of Agriculture’s (DoAg) Bureau of Aquaculture.

Membership

The council is made up of (1) the DoAg, DPH, and DEEP commissioners, or their designees; (2) three members appointed by the governor; and (3) seven other appointees, appointed by the legislative leaders. The 10 appointees must meet specified qualifications, as shown in Table 3. Appointments must be made by October 1, 2015. The governor must designate the chairperson, and the council must elect a vice-chairperson from among the members.

Table 3: Appointee Qualifications

<i>Appointing Authority</i>	<i>Number of Appointees</i>	<i>Required Qualifications</i>
Governor	3	One shellfish industry representative licensed to operate less than 1,000 acres of shellfish beds One marine habitat conservation organization representative One marine studies scholar
Senate president pro tempore	1	Recreational shellfisherman
Senate majority leader	1	Shellfish industry representative licensed to operate at least 2,500 acres of shellfish beds
Senate minority leader	1	Shellfish industry representative licensed to operate 1,000 to 2,499 acres of shellfish beds
House speaker	2	One chief executive officer of a coastal municipality west of the Connecticut River One unspecified
House majority leader	1	Chief executive officer of a coastal municipality east of the Connecticut River
House minority leader	1	Shellfish commission representative

EFFECTIVE DATE: July 1, 2015

§ 117 — WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF SHELLFISH GROUND LESSEES

Under the act, an officer or employee of a state shellfish grounds lessee may not take or threaten to take any personnel action against another employee of the lessee in retaliation for that employee giving (1) information to the leasing agency (e.g., the state or municipality) about the shellfish grounds lease or (2) testimony or assistance in any whistleblower proceeding.

If personnel action is taken or threatened in violation of the above prohibition, the aggrieved employee or his or her attorney, within 90 days after learning of the incident, may file a complaint against the lessee with the chief human rights referee. The chief referee must assign the complaint to a referee, who must hold a hearing and issue a decision on whether there was a violation. The referee must act as an independent hearing officer.

The referee may order a state shellfish grounds lessee to produce without a subpoena (1) an employee to testify as a witness and (2) relevant books, papers, or documents. If the lessee fails to do so within 30 days after the order, the referee may consider that as supporting evidence for the complainant.

If after the hearing the referee decides there was a violation, he or she may award the employee reinstatement, back pay, reestablishment of employee

benefits, reasonable attorney's fees, and any other damages. Any party to the proceeding may appeal the referee's decision to Superior Court.

The act requires the chief human rights referee to adopt regulations to establish procedures for filing complaints and noticing and holding hearings.

As an alternative to filing a complaint with the chief human rights referee, an aggrieved employee, after exhausting all administrative remedies, may file a civil action in Superior Court for the judicial district where the alleged violation occurred or the employer has its principal location.

Lastly, in any complaint or civil action brought against a lessee for a personnel action that happens within two years of the employee providing information to the leasing agency about a lease, there is a rebuttable presumption that the personnel action is in retaliation for the employee's action. (A "rebuttable presumption" is an assumption of fact accepted by the referee or court until disproved.)

EFFECTIVE DATE: July 1, 2015

§ 118 — SHELLFISH TESTING LABORATORY REPORT

The act requires the DoAg commissioner, after consulting with the DPH commissioner, to report to the Environment Committee by January 1, 2016 on the need for and viability of establishing a laboratory east of the Connecticut River for testing shellfish. The report must include:

1. a description of the required laboratory testing for shellfish as prescribed by DPH, DoAg, or law;
2. an explanation of the standards a shellfish testing laboratory must meet;
3. a description of any equipment and facilities required to perform the testing;
4. the qualifications any person who performs the testing must possess;
5. an assessment of the adequacy of existing state facilities to perform testing for the state's shellfish industry; and
6. the volume of testing that could occur at a facility established east of the Connecticut River.

The report must also (1) identify any existing privately owned facilities, state resources, or state facilities that could adequately and appropriately serve as a testing laboratory east of the Connecticut River and (2) include a cost-benefit analysis on modifying existing state resources or facilities to perform the testing.

EFFECTIVE DATE: Upon passage

§§ 119 & 120 — AGRICULTURE HEARING OFFICERS

The act expands the DoAg commissioner's authority to designate people he deems qualified to carry out certain agency functions, including administrative proceedings.

By law, the commissioner may designate a DoAg (1) deputy commissioner to act in his place if he is absent and (2) deputy commissioner, employee, assistant, or agent to administer or enforce statutes, regulations, permits, or orders.

The act allows the commissioner to also designate:

1. a DoAg employee to act in his place when he is absent;
2. a DoAg deputy commissioner, employee, assistant, or agent to be a hearing officer in an administrative hearing;
3. more than one qualified person to conduct an administrative hearing, with one serving as the presiding officer; and
4. any qualified person, who the commissioner may pay, to be a hearing officer for a contested case.

Under prior law, the authority to issue a final decision after a hearing was placed solely with the commissioner. The act authorizes the commissioner to direct a hearing officer to make a (1) proposed final decision or (2) final decision. But the commissioner or a deputy commissioner must consider and make final decisions for modifications or reconsiderations of contested cases.

Under the Uniform Administrative Procedure Act (UAPA), final decisions are those resulting from a contested case where the affected party is given a right to a hearing. A "contested case" is an agency proceeding that determines a person's legal rights, duties, or privileges by statute. The UAPA regulates how agencies conduct these cases, including (1) determining the parties, (2) setting notice requirements, (3) guiding the conduct and record of the hearing, and (4) setting rules for appeals. Only an agency's final decision can be appealed to Superior Court.

EFFECTIVE DATE: October 1, 2015

§ 121 — FARMLAND RESTORATION PLANS TO INCLUDE SHELLFISH

PA 15-22 allows the DoAg commissioner to partially reimburse a farmer for the cost to develop, implement, and comply with a farmland restoration plan under the state's farmland restoration program. The act specifies that a (1) "farmland restoration plan" includes conservation and restoration plans for leased or franchised shellfish beds and (2) "farmer" includes a

lessee or franchise holder of a state or town shellfish bed.

EFFECTIVE DATE: October 1, 2015

§ 122 — DEPARTMENT OF REVENUE SERVICES (DRS) ADMINISTRATIVE PRONOUNCEMENTS

Existing law authorizes the DRS commissioner to issue administrative pronouncements interpreting tax laws. The act eliminates a requirement that he adopt regulations codifying the pronouncements. Prior law required him to (1) publish a notice of intent to adopt regulations implementing a pronouncement within 180 days of issuing it and (2) submit the proposed regulations to the legislative Regulation Review Committee within six months.

By law, the pronouncements do not have the force and effect of regulations and must include a notice of this fact. However, taxpayers may, by law, rely on them.
EFFECTIVE DATE: Upon passage

§ 123 — TAX INCIDENCE REPORT

The act delays, from December 31, 2016 to February 15, 2017, the deadline by which DRS must submit its next tax incidence report to the legislature. By law, DRS must biennially submit to the Finance, Revenue and Bonding Committee and post on DRS's website a report on the overall incidence of the income tax, sales and excise taxes, corporation business tax, and property tax.

EFFECTIVE DATE: Upon passage

§§ 124 & 125 — RELIEF FOR INNOCENT SPOUSES

The act eliminates the two-year deadline by which certain "innocent spouses" may apply to the DRS for relief from paying taxes, interest, and penalties for improperly reported or omitted items on their tax return.

The law allows the DRS commissioner to excuse a taxpayer who files a joint tax return from paying taxes, interest, and penalties if his or her spouse (or former spouse) improperly reported or omitted items on their joint tax return. It establishes three types of relief for such taxpayers (i.e., innocent spouses): innocent spouse relief, separation of liability relief, and equitable relief (see *Background*). Prior law required taxpayers to apply for relief within two years after the DRS commissioner first attempted to collect the tax. The act eliminates this deadline for taxpayers applying for equitable relief but maintains it for those applying for innocent spouse or separation of liability relief.

The act also allows rather than requires the DRS commissioner to adopt regulations necessary to carry out the innocent spouse relief provisions. As under existing law, taxpayers applying for equitable relief

must do so according to procedures the DRS commissioner prescribes.

EFFECTIVE DATE: Upon passage

Background – Types of Relief for Joint Filers

The law establishes three types of relief for certain joint filers: innocent spouse relief, separation of liability relief, and equitable relief.

Innocent spouse relief excuses a filer from paying a tax deficiency attributed to items his or her spouse improperly reported or omitted from their joint tax return, thus requiring DRS to collect the deficiency from the other spouse. Separation of liability relief allocates the deficiency between the joint filers according to each individual's responsibility for the debt.

Equitable relief is for filers who do not qualify for innocent spouse or separation of liability relief. The DRS commissioner may grant equitable relief to such filers if, taking into account all the facts and circumstances, it is inequitable to hold them liable for all or part of any tax or deficiency.

§ 126 — SUBMITTING FEDERAL W-2 FORMS TO DRS

The law requires employers, annually by January 31, to provide each employee with a written statement that shows the amount of wages paid and income tax deducted and withheld from such wages during the previous calendar year (i.e., federal Form W-2). Prior law required employers to file copies of these forms with DRS, generally by the last day of (1) February, for employers filing paper returns, and (2) March, for employers filing electronic returns (Conn. Agencies Reg., § 12-707-1(c)). The act requires employers to file copies of these W-2 forms by January 31 each year. In doing so, it also requires employers to file the state form reconciling the total amount of Connecticut income tax they withheld from wages during the previous year (i.e., Form CT-W3) by January 31 each year. Under state regulations, employers must file the Form CT-W3 at the same time as filing the W-2.

EFFECTIVE DATE: Upon passage

§ 127 — DRS SPECIAL POLICE AGENTS

The act allows the DRS special police agents appointed by the Department of Emergency Services and Public Protection (DESPP) commissioner to operate anywhere within DRS, rather than only in its special investigation section. By law, these special police agents have all the powers of state police and serve at the DESPP commissioner's pleasure.

EFFECTIVE DATE: Upon passage

§ 128 — RACKETEERING ACTIVITY

The act expands the definition of “racketeering activity” under the Corrupt Organization Racketeering Act (CORA) to include certain cigarette tax law violations. In doing so, it subjects a person or entity that engages in a pattern of these violations to prosecution under CORA. Specifically, it applies to:

1. fraudulent making, uttering, forging, or counterfeiting of cigarette tax stamps or causing or procuring the same;
2. willful uttering, publishing, passing, or rendering as true any false, altered, forged, or counterfeited stamps;
3. knowing possession of any such false, altered, forged, or counterfeited stamp;
4. using a cigarette tax stamp more than once to evade the cigarette tax;
5. tampering with, or causing the tampering of, a cigarette tax metering machine; or
6. possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes (a) in any unstamped or illegally packaged stamped packages or (b) that the law prohibits from bearing a tax stamp as described below.

By law, cigarette distributors and dealers cannot put a state cigarette tax stamp on and sell a cigarette package if it:

1. is not labeled in conformity with the federal Cigarette Labeling and Advertising Act and other applicable federal label and warning requirements;
2. is labeled in a way prescribed by the U.S. Department of the Treasury indicating that the cigarettes are intended for export and are exempt from taxation (e.g., “For export only” or “For use outside U.S.”);
3. was imported into the United States after January 1, 2000 in violation of federal law restricting the importation of cigarettes that have been previously exported;
4. violates federal trademark or copyright law or if federal taxes have not been paid on it;
5. has been modified or altered by someone other than the manufacturer, or someone authorized by the manufacturer, including with a sticker or label that covers information described in the first two prohibitions listed above;
6. is produced by a cigarette manufacturer, or belongs to a brand family, that is not listed in DRS’s Connecticut Tobacco Directory (i.e., its listing of tobacco product manufacturers and their brand families that comply with the state’s tobacco settlement law); or
7. is not included in the Connecticut Fire-Safe Cigarette Directory (i.e., the State Fire Marshal

Office’s listing of cigarette manufacturers in compliance with the state’s fire-safe cigarette laws).

CORA subjects violators to (1) one to 20 years in prison, a fine of up to \$25,000, or both; (2) forfeiture of property acquired, maintained, or used in violation of CORA, including profits, appreciated value, and sale proceeds; and (3) forfeiture of any interest, claim against property, or contractual right affording a source of influence over any enterprise the violator established, operated, controlled, conducted, or participated in. Violators are also subject to the fines and penalties associated with the underlying crimes.

EFFECTIVE DATE: Upon passage

§ 129 — PROBATE COURT ADMINISTRATION FUND

Under existing law, if there is a balance in the Probate Court Administration Fund on June 30 exceeding 15% of its authorized expenditures in the coming fiscal year, that excess is transferred to the General Fund.

The act overrides this provision for FY 15 by requiring any balance in the Probate Court Administration Fund on June 30, 2015 to remain in that fund.

EFFECTIVE DATE: Upon passage

§ 130 — AMBULATORY SURGICAL CENTER TAX

PA 15-244 (§ 172) imposes a 6% gross receipts tax on DPH-licensed and Medicare-certified ambulatory surgical centers. This act allows the centers to seek remuneration for this tax. It also excludes from the tax (1) the first \$1 million of a center’s gross receipts in the applicable fiscal year or (2) any portion of those receipts that constitutes net patient revenue of a hospital liable for hospital taxes.

EFFECTIVE DATE: October 1, 2015

§ 131 — CITIZENS’ ELECTION FUND TRANSFER TO GENERAL FUND

On or after July 1, 2016, the act transfers \$7,750,000 from the Citizens’ Election Fund (CEF) to the General Fund for FY 17. CEF provides funds to candidates participating in the state’s campaign financing program and is mostly funded by a statutorily determined amount of abandoned property sale proceeds that escheat to the state. The state treasurer administers the fund, which is a separate nonlapsing General Fund account.

EFFECTIVE DATE: July 1, 2015

§ 132 — SALES TAX REVENUE DIVERSION

PA 15-244 (§ 74) requires the DRS commissioner to direct a portion of sales tax revenue to the STF and Municipal Revenue Sharing Account (MRSA) according to a specified schedule. The act adjusts the schedule for the revenue diversion as shown in Tables 4 and 5.

Table 4: Sales Tax Revenue Diverted to MRSA

<i>PA 15-244's Timetable for Revenue Diversion (quarters ending on or after)</i>	<i>Act's Timetable for Revenue Diversion (months beginning on or after)</i>	<i>% Diverted to MRSA (% of 6.35% sales tax revenue)</i>
December 31, 2015 but prior to July 1, 2016	January 1, 2016 but prior to May 1, 2017	4.7%
July 1, 2016 but prior to July 1, 2017	May 1, 2017 but prior to July 1, 2017	6.3
July 1, 2017	July 1, 2017	7.9

Table 5: Sales Tax Revenue Diverted to STF

<i>PA 15-244's Timetable for Revenue Diversion (quarters ending on or after)</i>	<i>Act's Timetable for Revenue Diversion (months beginning on or after)</i>	<i>% Diverted to STF (% of 6.35% sales tax revenue)</i>
December 31, 2015 but prior to July 1, 2016	October 1, 2015 but prior to October 1, 2016	4.7%
July 1, 2016 but prior to July 1, 2017	October 1, 2016 but prior to July 1, 2017	6.3
July 1, 2017	July 1, 2017	7.9

EFFECTIVE DATE: Upon passage and applicable to sales occurring on or after October 1, 2015

§§ 132-134 & 516 — COMPUTER AND DATA PROCESSING SERVICES

The act eliminates provisions in PA 15-244 (§§ 74 & 76) (1) increasing the sales and use tax rate on computer and data processing services from 1% to 2% on October 1, 2015 and 2% to 3% on July 1, 2016; (2) for such services sold on or after October 1, 2015, exempting from the tax services performed by an entity for one of its affiliates (i.e., a person who directly or indirectly owns, controls, or is owned or controlled by, or is under common ownership or control with another person); and (3) imposing use tax on internet access services as of October 1, 2015.

PA 15-244 (§ 75) expands the types of computer and data processing services subject to the tax to include the creation, development, hosting, and maintenance of a website on the world wide web. The act delays this expansion from July 1, 2015 to October 1, 2015.

EFFECTIVE DATE: Upon passage and applicable to sales occurring on or after October 1, 2015 except for the (1) use tax provisions, which are effective upon passage; (2) temporary restoration of the world wide

web service exemption, which is effective July 1, 2015 and applicable to sales occurring on or after July 1, 2015; and (3) provision subjecting world wide web services to taxation as of October 1, 2015, which is effective October 1, 2015 and applicable to sales on or after October 1, 2015.

§ 135 — SALES AND USE TAX ON EMPLOYER-PROVIDED PARKING

The act repeals a provision in PA 15-244 (§ 75) that, beginning July 1, 2015, would have eliminated the sales and use tax exemption for non-metered motor vehicle parking in an employer-operated lot with 30 or more spaces (1) owned or leased for a minimum of 10 years and (2) operated for the exclusive use of its employees. In doing so, it maintains the existing exemption for such services.

EFFECTIVE DATE: July 1, 2015 and applicable to sales occurring on or after that date.

§ 136 — SALES AND USE TAX ON CAR WASH SERVICES

The act extends the sales and use tax to coin-operated car washes. PA 15-244 (§ 75) extended the tax to car wash services, but excluded coin-operated car washes.

EFFECTIVE DATE: July 1, 2015 and applicable to sales occurring on or after that date.

§ 137 — SALES AND USE TAX FILING AND REMITTING DEADLINE

The act extends the deadline for filing and remitting monthly and quarterly sales and use taxes from the 20th day of the month to the last day of the month following the end of the applicable filing period. Retailers that must remit the taxes on a weekly basis must continue to do so as the law or the revenue services commissioner requires.

In extending this deadline, the act also extends the deadline for remitting room occupancy taxes and prepaid wireless enhanced 9-1-1 (E-9-1-1) fees, which are tied to the sales and use tax filing and remittance periods.

EFFECTIVE DATE: October 1, 2015 and applicable to periods ending on or after December 31, 2015.

§ 138 — KENO

PA 15-244 (§§ 103-106) allows the Connecticut Lottery Corporation (CLC) to offer keno games, but not until OPM enters into separate agreements with the Mashantucket Pequot and Mohegan tribes regarding CLC's keno operation. The act limits the total amount

of gross keno revenue the state may give to a tribe under an agreement to 12.5% of that revenue after subtracting prize payments.

EFFECTIVE DATE: July 1, 2015

§§ 139-141 — CORPORATION INCOME TAX SURCHARGE

PA 15-244 (§§ 83 & 84) (1) extends the 20% corporation income tax surcharge that was set to expire after the 2015 income year (i.e., by January 1, 2016) for two additional years to the 2016 and 2017 income years and (2) imposes an additional temporary 10% surcharge for the 2018 income year. The act delays the effective date of these provisions to January 1, 2016 and applicable to income years starting on or after that date, rather than June 30, 2015 and applicable to income years starting on or after January 1, 2015. It also makes conforming changes to provisions imposing the surcharge on companies that file combined or unitary tax returns to reflect the delayed implementation of combined reporting as described below.

EFFECTIVE DATE: June 30, 2015 for the effective date delay; January 1, 2016 and applicable to income years starting on or after that date for the conforming changes.

§§ 139-153 — COMBINED REPORTING

§§ 139-147 & 149-153 – Delayed Effective Date and Technical and Conforming Changes

The act delays by one year the effective date for implementing mandatory combined reporting. PA 15-244 (§§ 138-163) requires any company that is part of a corporate group engaged in a “unitary business” and subject to the Connecticut corporation tax to determine its corporation tax liability based on the net income or capital base of the combined group. The act makes this requirement effective January 1, 2016 and applicable to income years starting on or after that date, rather than June 30, 2015 and applicable to income years starting on or after January 1, 2015.

The act makes various conforming changes to PA 15-244’s combined reporting provisions to reflect the one-year delay, including (1) delaying by one year the repeal of previous combined and unitary return provisions, (2) eliminating special estimated tax filing deadlines and safe harbor provisions for taxpayers required to file combined returns in 2015, and (3) delaying by one year the date by which the DRS commissioner must publish a list of jurisdictions he determines to be tax havens.

It also makes various technical changes and corrections.

§ 144 – Affiliated Groups

PA 15-244 (§ 140) gives combined groups the option of determining their members’ net income, capital base, and apportionment factors on an affiliated group basis. Under the act, an affiliated group includes any member of the combined group, determined on a worldwide basis, incorporated in a “tax haven” (i.e., in a jurisdiction meeting specified criteria, including a tax regime that is favorable for tax avoidance). The act specifies that such a member may be excluded from the affiliated group if the DRS commissioner is satisfied that the member is incorporated in the tax haven for a legitimate business purpose.

§ 144 – Water’s-Edge Basis

PA 15-244 (§ 140) requires combined groups to file on a water’s-edge basis unless they elect a worldwide or affiliated group basis. The act requires groups filing on a water’s-edge basis to include any member that earns more than 20% of its gross income, directly or indirectly, from intangible property or service-related activities, the costs of which generally are deductible for federal income tax purposes against the income of other group members (whether currently or over a period of time). Groups must include such members only to the extent of such gross income and its related apportionment factors.

§ 145 – Deduction for Certain Publicly Traded Companies (FAS 109 Deduction)

PA 15-244 (§ 141) allows certain combined groups to claim an offsetting deduction over a seven-year period, beginning in the 2018 income year, if the combined reporting requirements result in an aggregate increase in their members’ net deferred tax liabilities or aggregate decrease in their net deferred tax assets. The act additionally allows them to do so if combined reporting results in an aggregate change from a net deferred tax asset to a net deferred tax liability. It also delays, from July 1, 2016 to July 1, 2017, the date by which combined groups intending to claim this deduction must file a statement with the DRS commissioner.

§ 148 – Investments in Connecticut Partnerships

By law, multistate corporations that invest in Connecticut partnerships or limited liability companies are subject to special apportionment provisions. Under these provisions, companies that are limited partners in Connecticut partnerships (other than investment partnerships) but are not otherwise doing business in Connecticut pay tax only on their proportionate share of the average value of their partnership interest. But if the

DRS commissioner determines that the corporate limited partner and the partnership are parts of a unitary business engaged in a single business enterprise, the corporation is generally taxed according to standard apportionment rules. The act requires that corporate limited partners and partnerships that are members of a combined group filing a combined unitary tax return also be taxed according to standard apportionment rules. (PA 15-244 (§ 149) makes similar changes in regard to how such corporate limited partners must apportion their partnership income for corporation tax purposes.) EFFECTIVE DATE: January 1, 2016 and applicable to income years beginning on or after that date, except for the effective date delay, which is effective June 30, 2015.

§ 154 — DRY CLEANING ESTABLISHMENT SURCHARGE

By law, dry cleaning businesses must register with the revenue services commissioner and pay a 1% surcharge on their dry cleaning retail gross receipts. The act imposes a \$1,000 penalty each time they fail to register and prohibits them from providing dry cleaning services until they do so. The commissioner may not waive the penalty.

Under the act, beginning in 2015, dry cleaning businesses must also annually renew their registrations by October 1 as the commissioner specifies. He must send a “nonrenewal notice” to each business that fails to renew its registration, and those that fail to renew within 45 days of the notice face a \$200 penalty, which the commissioner may impose once during any registration period.

The commissioner may waive the failure to renew penalty if he is satisfied that the failure was unintentional and not due to neglect, but to reasonable cause. If the commissioner chooses to do so, he must follow the statutory procedure for waiving penalties over \$1,000 (CGS § 12-3a). That procedure requires each proposed waiver to be approved by the Penalty Review Committee, which consists of the revenue services commissioner, comptroller, and OPM secretary or their representatives.

By law, the revenue the dry cleaning surcharge generates funds grants for preventing, containing, or remediating pollution resulting from the hazardous chemicals used in dry cleaning. Eligible dry cleaners may apply to DECD for these grants. EFFECTIVE DATE: July 1, 2015

§§ 155 & 156 — FY 16 & FY 17 APPROPRIATIONS ADJUSTMENTS

The act adjusts funds appropriated from the General Fund in the budget act (PA 15-244) for state agencies

and programs in FY 16 and FY 17. Specifically, it (1) reduces (a) Medicaid funding by \$1.5 million in FY 16 and FY 17 and (b) the Reserve for Salary Adjustments by \$13 million in FY 17 and (2) creates a new target savings lapse of \$12.5 million in FY 16 and FY 17. The act’s total adjusted net appropriations are shown in Table 6.

The act also authorizes the OPM secretary to make specified General Fund allotment reductions in FY 16 and FY 17 in order to achieve the targeted savings the act requires.

Table 6. Revised FY 16 and FY 17 General Fund Appropriations

<i>FY</i>	<i>New Net Appropriation</i>	<i>Change from PA 15-244</i>
16	\$18,161,553,801	(\$14,000,000)
17	18,711,158,675	(27,000,000)

EFFECTIVE DATE: July 1, 2015

§ 157 — COMPETITIVE BIDS ON CONTRACTS PAID FOR WITH U.S. DEPARTMENT OF TRANSPORTATION (U.S. DOT) FUNDS

The act exempts contracts that may be paid for with U.S. DOT funds from certain aspects of DAS’s selection process for (1) competitively bid contracts and (2) proposals submitted in response to a DAS request. This effectively means such contracts must be awarded to the lowest responsible qualified bidder or most advantageous proposer.

DAS generally awards contracts for which it puts out to bid to the lowest responsible qualified bidder. If within 10 days that bidder refuses to accept the contract, however, DAS may award the contract to the next lowest responsible qualified bidder. A similar 10-day deadline and selection process applies to a person, firm, or corporation submitting a proposal in response to a DAS request for proposals.

The act conforms the DAS selection process when using U.S. DOT funds to federal requirements that state and local governments receiving federal highway grant funds “award contracts for projects only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility” (23 USC § 112 and August 23, 2013 Memorandum of Opinion for the Acting General Counsel Department of Transportation). EFFECTIVE DATE: Upon passage

§ 158 — DOT LAND ACQUISITION

The law allows DOT to buy or condemn land for state highways, bridges, highway maintenance storage areas, and garages.

Under prior law, the commissioner, if he determined it to be in the state’s best interest, could buy, lease, or otherwise acquire or exchange land, buildings,

or both for use as a highway maintenance storage area or garage. The act extends this authority to include the acquisition of such property for more general highway or bridge uses. As under existing law, a state referee must approve a purchase costing more than \$100,000.

The act also (1) reduces, from 120 days to 90 days, the length of time a property owner can continue to live rent-free on land DOT has condemned and (2) limits this rent-free occupancy to owner-occupied homes. It also expands the law to allow owner-operated businesses to operate on these properties rent-free for 90 days and applies these provisions to land DOT purchases as well as condemns. The 90-day period runs from the date DOT files a (1) certificate, in the case of a condemnation, or (2) deed, in the case of a purchase.

EFFECTIVE DATE: Upon passage

§ 159 — DOT ALTERNATIVE CONSTRUCTION METHODS

By law, the DOT commissioner may designate certain projects to be built using alternatives to the traditional “design-bid-build” construction process. Such alternatives include the “construction manager at risk” (CMAR) and “design-build” processes.

In a CMAR contract, an owner (e.g., DOT) contracts with a construction manager who works with the project designer and provides labor and material and manages the project during construction. By law, the CMAR contract must guarantee the maximum price. (In a design-build contract, an owner contracts with a single entity that both designs and builds a project.)

The act allows the commissioner, when he designates a project for a CMAR contract, to have DOT personnel do the design work or contract with an architect or engineer to do so. As under prior law, the act requires the CMAR contractor to provide input during the design process.

Under prior law, the CMAR contractor was responsible for the project’s construction and had to select subcontractors for this work through a low sealed bid process. The act allows, rather than requires, the CMAR contractor to be responsible for construction and eliminates the CMAR’s responsibility to select subcontractors through sealed bids.

The act allows the DOT commissioner to permit the CMAR contractor to undertake a portion of the construction if the commissioner finds the construction manager general contractor can perform this work more cost-effectively than a subcontractor. It requires trade subcontractors, selected through a process the commissioner approves, to perform all the work the general contractor does not perform.

The act allows the commissioner to put the project out to bid under DOT’s traditional highway construction

bid process if no agreement can be reached on a guaranteed maximum price.

By law, the commissioner must obtain competitive proposals for CMAR and design-build projects by advertising the project at least once in a newspaper with a substantial circulation in the area where the project is located. The act allows him to also provide this notice on DAS’s State Contracting Portal or other advertising methods likely to reach qualified CMAR general contractors or design-build contractors as appropriate.

EFFECTIVE DATE: Upon passage

§ 160 — USE OF CONSULTANTS FOR DOT PROJECTS USING ALTERNATIVE CONSTRUCTION METHODS

The act requires the DOT to issue a request for proposal, rather than bid package, when using alternative contracting methods.

By law, the commissioner must have DOT employees perform development services and inspection work after the performance of the first two alternative construction projects (although he may continue to use consultants after this time if necessary to complete work on these projects). By law, development services include the project’s size, type, and desired design character; performance specifications; quality of materials; equipment; workmanship; preliminary plans; or other information DOT needs to issue a bid package.

The act allows the commissioner, after the first two projects are performed, to use consultants to design a CMAR project if he determines that DOT lacks the capacity and technical expertise to do so. He must make this determination after assessing the project delivery schedule, staffing capacity, and required technical expertise required for the project. But the act specifies that detailed design work on design-build contracts remains the contractor’s responsibility.

The act requires the commissioner to create a program to train DOT employees to support alternative project delivery methods. This training may be provided on projects using consultants. The commissioner must report annually by October 1 to the governor on (1) the department’s progress in training its employees, (2) improving the diversity of its technical expertise, and (3) building internal project delivery capacity.

The commissioner’s authority to use consultants under prior law ended on the earlier of (1) when the governor notifies the Transportation Committee that consultants are no longer needed to complete alternative construction projects or (2) January 1, 2019 unless the legislature reauthorizes their use. The act extends (1) how long DOT can use consultants by three years to January 1, 2022 and (2) the 2022 deadline another three years until January 1, 2025, if the governor certifies that the continued use of consultants is necessary to

complete alternative delivery projects.
EFFECTIVE DATE: Upon passage

§ 161 — INDEMNIFICATION OF METRO NORTH AND THE OPERATOR OF THE HARTFORD LINE

The act allows the DOT commissioner, if he finds it is in the state's best interest, to indemnify and hold harmless Metro North Railroad against claims brought by the National Railroad Passenger Corporation (Amtrak) or other third parties against Metro North related to M-8 rail car operation on Amtrak property, provided the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions.

The act also allows the commissioner to indemnify and hold harmless the operator of the new rail passenger service on the New Haven-Hartford-Springfield line if (1) he finds it is in the state's best interest to do so and (2) Amtrak requires the operator to indemnify Amtrak and hold it harmless. DOT has not yet selected an operator for this service.

EFFECTIVE DATE: Upon passage

§ 162 — REPAIRING AND MAINTAINING CERTAIN STRUCTURES

By law, the state must maintain and repair any structure, such as a bridge, that spans a (1) railroad line and supports a municipal road or (2) rail right-of-way a state agency has purchased. It also requires the commissioner to adopt regulations establishing a method for the state to share maintenance and repair costs with municipalities for structures that span a railroad line and support a municipal road.

The act authorizes the DOT commissioner to enter into an agreement with municipal officials to maintain, and remove snow and ice from, a footpath or sidewalk on either of the structures described above. It also makes conforming changes.

EFFECTIVE DATE: Upon passage

§ 163 — QUICK CLEARANCE OF HIGHWAYS

The act generally exempts wrecker operators from liability for property damage to a vehicle, its contents, or the surrounding area when removing a vehicle blocking a limited access highway travel lane. Wreckers may remove such a vehicle only at the direction of police or a traffic authority that has determined that the wrecked vehicle's location poses an emergency and a threat to public safety. The wrecker operator must use all reasonable care to limit further damage to the vehicle, its contents, and the surrounding area.

By law, a violation of law regarding wreckers is an offense. A first violation is an infraction, and each

subsequent violation is a class D misdemeanor (see Table on Penalties).

EFFECTIVE DATE: October 1, 2015

§ 164 — ENHANCED ACCIDENT RESPONSE PLAN

The act requires the commissioners of DOT, DESPP, and DEEP to report by January 1, 2017 to the Environment, Public Safety and Security, and Transportation committees on the development and implementation of an enhanced accident response plan.

The report must include at least a description of:

1. existing programs and policies;
2. steps being taken to implement these programs and policies statewide;
3. interagency initiatives to ensure a prompt, coordinated, and efficient response to accidents or other traffic incidents;
4. efforts to include other individuals and groups critical to the plan;
5. any federal programs to improve accident or traffic incident response, including the availability of federal funding to implement them; and
6. goals to improve the plan for the coming year.

EFFECTIVE DATE: Upon passage

§ 167 — AMTRAK OVERPASS

The act requires DOT to take all necessary steps to cover a deteriorated Amtrak overpass in West Hartford. These steps must include, on the overpass' east side, designing, building, and installing an overhead sign spanning New Britain Avenue and covering the overpass.

EFFECTIVE DATE: Upon passage

§ 168 — COMMUTER RAIL BRANCH LINES

The act requires DOT to continue planning to improve the Danbury, New Canaan, Norwalk, and Waterbury branch rail lines, including upgrading and electrifying them. (Norwalk is a terminus of the Danbury line.) The department must report by January 6, 2017 to the Transportation Committee on its progress and provide additional updates to the committee upon request.

EFFECTIVE DATE: October 1, 2015

§ 169 — STATE RAIL LINE STUDY

The act requires the commissioner to study options for the operation of state rail lines. He must report to the Transportation Committee on his findings by January 1, 2017.

The study must include researching rail line operators and contacting the contracting agencies that employ the rail line operators.

EFFECTIVE DATE: Upon passage

Rail Line Operators

For rail line operators, including Metro North, the study must ascertain, for each company:

1. its experience in rail line operation,
2. the terms of the contracts under which it operates and the mechanisms used to enforce the contract terms,
3. performance standards for quality of service and safety, and
4. its experience working with other stakeholders in responding promptly and effectively to concerns about rail line operations.

Contracting Agencies

The commissioner must obtain a summary of the structure and governance of rail lines subject to the contracts and ascertain contracting agencies' "lessons learned" and best practices.

The study also must examine the competitive procurement of rail operation contracts. Specifically, it must study the feasibility and legal and labor issues of procurement models and the schedules and costs of the procurement process.

The act requires the commissioner to conduct the study in a way that does not interfere with commuter rail service procurements that DOT is conducting or plans to conduct, including finding an operator for the Hartford line.

§§ 170-195 — BRIDGE AND ROAD NAMING

The act designates:

1. Route 272 in Torrington from Route 4 north to Hodges Hill Road the "Richard W. Nardine Memorial Highway" (§ 170);
2. Route 173 in Newington from Richard Street north to Route 174 the "Robert J. Seiler Memorial Highway" (§ 171);
3. Route 106 in Wilton from the New Canaan-Wilton town line east to Route 53 the "Air Force First Lieutenant Charles M. Baffo Memorial Highway" (§ 172);
4. the access driveway to the DOT's Colchester Repair and Electrical Facility at 80 New London Road the "Lisa Maynard Memorial Access Road" (§ 173);
5. Route 63 in Watertown from Bunker Hill Road north to Route 6 the "Guy E. Buzzannco Memorial Highway" (§ 174);

6. Route 35 in Ridgefield, north from Limestone Road to Route 7 the "Maurice Sendak Memorial Highway" (§ 175);
7. Route 160 in Rocky Hill from Route 3 east to Gilbert Avenue the "James Vicino Memorial Highway" (§ 176);
8. Route 127, East Main Street, in Bridgeport, from Route 130 north to Route 1 the "65th U.S. Infantry Regiment, 'The Borinqueneers' Memorial Highway" (§ 177);
9. Route 196 from Route 66 to Main Street in East Hampton the "Russell Oakes Memorial Highway" (§ 178);
10. Bridge number 00649 on I-84 west passing over Route 10 in Southington the "Lieutenant Michael J. Shanley Memorial Bridge" (§ 179);
11. Bridge number 05349 on Route 82 east over the Yantic River in Norwich the "Benjamin Demond Memorial Bridge" (§ 180);
12. Bridge number 0429 on Route 4 in Farmington passing over the Farmington River the "Albert M. Glenn Memorial Bridge" (§ 181);
13. Bridge number 00049 on I-95 over Richards Avenue in Norwalk the "Army Specialist David R. Fahey, Jr. Memorial Bridge" (§ 182);
14. Route 243 in Woodbridge the "Joseph Anastasio Memorial Highway" (§ 183);
15. Bridge number 00638 in Middletown the "Major General Maurice Rose Memorial Bridge" (§ 184);
16. Route 1 Mianus River Bridge between the Cos Cob and Riverside sections of Greenwich the "Honorable David N. Theis Memorial Bridge" (§ 185);
17. Route 138 in Lisbon the "Aaron Dwight Stevens Memorial Highway" (§ 186);
18. Bridge 01752 on I-84 west in West Hartford, the "Lt. Col. George W. Tule Memorial Bridge" (§ 187);
19. Route 194 in South Windsor north from U.S. Route 5 to Troy Road the "Thomas F. Howe Memorial Highway" (§ 188);
20. Route 10 in Cheshire north from Bartlem Park to the Cheshire Police Station the "Medal of Honor Highway" (§ 189);
21. Route 83 in Glastonbury from Howe Street north to the Glastonbury-Manchester town line the "Thomas P. Sheridan Memorial Highway" (§ 190); and
22. Bridge 00488 on Route 66 in Windham the "James Carey DeVivo Memorial Bridge" (§ 191).

The act also:

1. requires DOT to attach, to existing signs at exit 21 east and west on I-84 in Waterbury, or another nearby location it determines, language

- indicating the location of a monument honoring Father Michael J. McGivney (§ 192);
2. renames the “Major Raoul Lufbery Highway” as the “Major Gervais Raoul Lufbery Memorial Highway” (§ 193);
 3. designates Bridge number 3372 A and B on I-84 in Hartford the “Tuskegee Airmen Memorial Bridge,” and repeals a law naming a portion of I-84 in Hartford the “Tuskegee Airmen Highway” (§ 194); and
 4. renames the “John A. Dolan Memorial Bridge” on I-84 east in Southington as the “Trooper John A. Dolan Memorial Bridge” (§ 195).

EFFECTIVE DATE: Upon passage

§§ 196 & 207 — DRIVER TRAINING FOR PEOPLE WITH MEDICALLY WITHDRAWN LICENSES

The act authorizes the Department of Motor Vehicles (DMV) commissioner to allow people whose licenses have been withdrawn for medical reasons to drive on a limited basis in order to get their license reinstated. After a hearing, the commissioner must (1) determine that the affected person does not have a health problem that inhibits his or her ability to drive safely and (2) require the person to pass a road test to have his or her license reinstated. Such people may drive only when being trained by a licensed driving instructor or while taking a road test with a motor vehicle testing agent.

The act also allows the commissioner to permit people who have had their licenses withdrawn because of a physical or mental disability to drive with an instructor for the Department of Rehabilitation Services’ (DORS) driver training program. By law, people with disabilities that do not make them incapable of driving may receive training under the DORS program, including training with adaptive equipment. After a person successfully completes the program, the DMV commissioner may waive the road test and issue a driver’s license with any restrictions recommended by DORS.

EFFECTIVE DATE: Upon passage

§§ 197 & 212 — ELIMINATING OBSOLETE STAMP PROVISIONS

The act eliminates obsolete provisions that required an official stamp issued by the DMV commissioner for a 60-day temporary registration transfer (1) by a person or firm between one vehicle used in connection with the business to another and (2) by a dealer transferring a buyer’s current registration to the vehicle it sells to the buyer.

EFFECTIVE DATE: Upon passage

§§ 198, 200, & 203 — TECHNICAL AND CONFORMING CHANGES TO MOTOR VEHICLE STATUTES

The act makes several technical and conforming changes to the motor vehicle statutes.

EFFECTIVE DATE: Upon passage

§ 199 — ISSUING AND RENEWING LICENSES

Under the act, the DMV commissioner may issue or renew any license, permit, or identity card by any method he deems secure and efficient. These methods may include producing these documents at a centralized location and mailing them to an applicant.

The act specifically allows the commissioner to issue temporary licenses, permits, and cards to an applicant to use until he or she receives the permanent one in the mail. These temporary documents are valid for 30 days or until the applicant receives the permanent one, whichever is earlier.

EFFECTIVE DATE: Upon passage

§§ 201, 202, & 204 — CONFORMING STATE COMMERCIAL DRIVER’S LICENSE (CDL) LAW TO FEDERAL LAW

Federal law requires state CDL laws to be consistent with federal regulations. The act conforms state law to federal regulations regarding self-certification of commerce type and medical certification (49 CFR §§ 383.71(b) & 391.41).

Self-Certification

The act requires first-time CDL and commercial instruction permit applicants and CDL holders applying for permit renewal to self-certify the type of commerce in which they expect to or currently engage (i.e., non-excepted interstate, excepted interstate, non-excepted intrastate, or excepted intrastate). The DMV commissioner cannot issue or renew a CDL to anyone that does not make the certification, and must downgrade a CDL to Class D operator’s license within 60 days of a CDL holder’s failure to self-certify.

Medical Certificate

In conformity with federal law, the act also requires CDL applicants and holders to have their medical certificates completed by a federally certified medical examiner who is listed on the National Registry of Certified Medical Examiners. Under previous federal law, a CDL applicant or holder could have any licensed medical professional complete the required certificate.

By law, CDL and instruction permit applicants must submit a copy of a medical examiner’s certificate,

prepared by a federally-certified medical examiner, indicating that he or she is medically certified to drive a commercial vehicle. CDL holders must submit a new medical certificate every 24 months, or within a shorter time period if indicated by the medical examiner on the CDL holder's previous certificate.

By law, DMV is prohibited from issuing a license or instruction permit to anyone who has not submitted a medical examiner's certificate. If a CDL or instruction permit holder does not submit a certificate within the required timeframe, the act requires the commissioner to, within 60 days of the date the holder becomes uncertified, downgrade the CDL to a Class D operator's license or cancel the instruction permit.

For CDL applicants and holders who have submitted a medical certificate and self-certified as engaging in non-accepted interstate commerce, the act requires the commissioner to post a medical certification status of "certified" on the Commercial Driver's License Information System for the applicant or holder.

EFFECTIVE DATE: Upon passage

§§ 205 & 206 — MOTOR VEHICLE OPERATOR'S LICENSE MEDICAL ADVISORY BOARD

By law, the Motor Vehicle Operator's License Medical Advisory Board advises the DMV commissioner on the medical aspects and concerns of licensing motor vehicle operators. The act allows physician assistants and advanced practice registered nurses (APRN) to (1) serve on the board and (2) complete physicals and medical reports requested by the board for the purposes of licensing decisions. Under prior law, only physicians and optometrists could perform these functions. The act also allows these physicals and medical reports to be completed by medical professionals licensed outside of Connecticut.

By law, the Connecticut State Medical Society and the Connecticut Association of Optometrists submit nominees from the specialties the law requires to serve on the board, and the commissioner selects board members from the nominees. Under the act, professional medical associations that have physician assistant or APRN members may also make such recommendations. The act also adds occupational medicine to the list of specialties required on the board. Under the act, the board must meet at least annually instead of at least twice a year.

EFFECTIVE DATE: Upon passage

§ 208 — HEAVY DUTY TRAILER REGISTRATION FEE

The act eliminates a separate method for determining, for registration fee purposes, the weight of

a tractor that is limited to pulling a heavy duty trailer. Under the act, registration fees for tractors that pull heavy duty trailers are determined in the same manner as the fees for all other tractors.

EFFECTIVE DATE: Upon passage

§§ 209-211 — ADMINISTRATIVE AND TRANSCRIPT FEES

The act specifies that the fee for a transcript of a DMV hearing applies only to a hearing transcribed by DMV. It also specifies that administrative fees apply to dealers and repairers that fail to provide proof of bond renewal or replacement or insurance renewal or replacement. Prior law imposed the fee on those dealers and repairers that failed to continuously maintain bond and insurance requirements.

EFFECTIVE DATE: Upon passage

§§ 213 & 214 — FLASHING LIGHTS STATUTES REVISION

The act revises and reorganizes the statutes regarding the use of colored and flashing lights. Among the changes, it:

9. eliminates obsolete provisions referring to purple and green lights for interstate public service vehicles;
10. eliminates a provision permitting commercial motor vehicles to use green identification lights;
11. eliminates a requirement that blue and green flashing light permits, which are issued by the chief executive officer of a volunteer fire or ambulance department, be filed with DMV; and
12. allows student transportation vehicles accommodating students with disabilities to use flashing lights in a color other than red when discharging passengers.

The act also makes numerous technical changes to these statutes.

EFFECTIVE DATE: Upon passage

§ 215 — ELIMINATING PROVISION REGARDING SEIZING REGISTRATIONS AND LICENSE PLATES

The act eliminates an obsolete provision requiring the DMV commissioner to direct a motor vehicle inspector or police officer to seize the registration or license plates of a person whose license or registration was suspended for failing to show proof of financial responsibility.

EFFECTIVE DATE: Upon passage

§ 216 — ELIMINATING WAITING PERIOD FOR DUPLICATE TITLE

The act eliminates the requirement that the DMV commissioner wait 15 days before issuing a duplicate certificate of title.

EFFECTIVE DATE: Upon passage

§ 217 — REGULATIONS REGARDING VEHICLES OPERATING NEAR HORSES

The act incorporates in statute existing regulations regarding a motorist operating near a horse or rider. The regulations (1) require such a motorist to reduce his or her speed or stop to avoid endangering the rider or frightening or striking the horse and (2) prohibit a motorist from blowing a horn or causing loud or unusual noise in a manner to startle or frighten the horse. By law, these provisions must be included in DMV's instruction manual for motor vehicle operation.

EFFECTIVE DATE: Upon passage

§ 218 — OPERATING GOLF CARTS ON ROADS BY PEOPLE LICENSED OUTSIDE OF CONNECTICUT

The act permits people with out-of-state driver's licenses to operate a golf cart on roads where such operation is permitted. Prior law restricted such operation to people licensed in Connecticut.

EFFECTIVE DATE: Upon passage

§ 219 — LIMITED LICENSE STUDY

The act requires the DMV commissioner to review DMV's issuance of limited licenses. By law, the commissioner may issue a license, with any limitations he deems appropriate, to a person with a health condition that could affect his or her ability to drive, provided the applicant demonstrates that he or she can drive safely.

Under the act, the review must (1) consider the criteria used by DMV to issue or renew limited licenses, (2) compile limited license holders' driving record data, and (3) consider whether the limitations imposed ensure the safety of the public while recognizing the needs of limited license holders.

DMV must report the results of the review to the Transportation Committee by February 1, 2016. The report must provide information on the issuance of limited licenses, data on limited license holders' driving records, and any recommended administrative or legislative changes to the process of issuing limited licenses.

EFFECTIVE DATE: Upon passage

§ 220 — ALLOWING CERTAIN YOUNG DRIVERS TO TRANSPORT PASSENGERS WHEN RETURNING FROM EMERGENCIES

The law establishes certain passenger and hour restrictions for 16- and 17-year-old licensed drivers but makes an exception for licensees who are active members of an emergency medical services organization or a volunteer ambulance or fire department when they are responding to an emergency. The act specifies that such 16- or 17-year-olds may transport passengers and drive during restricted hours while returning from, in addition to responding to, emergencies.

EFFECTIVE DATE: Upon passage

§ 221 — LICENSE PLATE LOTTERY STUDY

The act requires DMV to study the feasibility of creating a license plate number lottery program and allowing license plate numbers to be sold at an online auction on DMV's website. DMV must identify and assess (1) options for conducting the lottery and sales and (2) any associated costs and benefits. It must report its findings and recommendations to the Transportation and Finance, Revenue and Bonding committees by January 1, 2017.

EFFECTIVE DATE: Upon passage

§§ 222 & 223 — MEDICAL PERMITS FOR PEOPLE WITH SUSPENDED LICENSES

Existing law allows certain people whose licenses have been suspended to apply for special "work" or "education" permits that allow them to drive to and from work or higher education institutions or private occupational schools. Under the act, individuals may also apply for "medical" permits that allow them to drive to and from ongoing, medically necessary treatment. Individuals may not apply for this permit until DMV adopts regulations specifying the qualifications needed to obtain the permit. The act also makes a conforming change.

EFFECTIVE DATE: Upon passage

§ 224 — PENALTY FOR DUMPING SNOW IN PARKING SPOTS RESERVED FOR PEOPLE WITH DISABILITIES

The act prohibits a private parking area owner or lessee or his or her agent from dumping or placing, or allowing someone else to dump or place, accumulated snow in a parking spot designated for a person with a disability. Violators face a \$150 fine for a first violation and a \$250 fine for each subsequent violation.

EFFECTIVE DATE: October 1, 2015

§ 225 — PUMPING GAS FOR PEOPLE WITH DISABILITIES

Existing law requires that gasoline retailers, upon request and for no additional cost, help anyone with a disability license plate to refuel his or her vehicle at self-service pumps. The act specifies that retailers must also provide this service to individuals with removable disability windshield placards.

EFFECTIVE DATE: October 1, 2015

§ 226 — REVIEW OF TRANSPORTATION FOR SPECIAL NEEDS STUDENTS

The act requires each local and regional board of education to review the transportation arrangements for its special needs students, both in and out of district, and make appropriate changes to ensure the students' safe transportation. The changes may involve placing school bus monitors or cameras on the vehicles used to transport the students.

EFFECTIVE DATE: Upon passage

§ 227 — DMV INSPECTORS EXEMPT FROM PROHIBITION ON HAND-HELD CELL PHONE USE WHILE DRIVING

The act exempts sworn DMV inspectors performing their official duties from the law prohibiting the use of hand-held cell phones while driving.

EFFECTIVE DATE: Upon passage

§ 228 — MEN'S HEALTH LICENSE PLATES

The act allows DMV to issue, beginning January 1, 2016 and within available appropriations, "Men's Health" commemorative number plates. The DMV and Department of Public Health (DPH) commissioners must agree on a plate design that enhances public awareness of efforts to treat and cure prostate cancer.

The act creates a Men's Health account to be used by the DPH commissioner to enhance prostate cancer awareness and support research. It also sets a \$60 fee that DMV must charge for the number plates and designates \$15 of that fee for DMV's administrative costs related to issuing the plates. DMV must deposit any fees not designated for administrative costs into the Men's Health account.

The act prohibits using Men's Health license plates for anything other than official registration marker plates but allows DMV to reproduce or market the Men's Health plate's image on clothing, recreational equipment, posters, mementos, or other products or programs that the commissioner deems suitable to support the Men's Health account. Any money received from such marketing must be deposited into the account.

Finally, the act permits the DMV commissioner, in consultation with the DPH commissioner, to adopt regulations establishing standards and procedures for issuing, renewing, and replacing Men's Health number plates.

EFFECTIVE DATE: Upon passage

Men's Health Account

The act establishes a Men's Health account and requires the DPH commissioner to use the money in the account to (1) enhance public awareness of efforts to treat and cure prostate cancer and (2) support research for prostate cancer treatments. The account must be a separate, nonlapsing account within the General Fund and contain any money legally required to be deposited in the account. The act also allows the public health commissioner to accept donations to the account and requires that any donations received be deposited into the account.

Fees

The act requires DMV to charge \$60 for Men's Health number plates, of which \$45 must be deposited into the Men's Health account and \$15 must be deposited into a DMV-controlled account and used to cover the plate's production, issuance, renewal, and replacement costs. DMV may not charge a fee to renew Men's Health number plates or to transfer an existing registration to or from a registration with Men's Health number plates.

Under the act, Men's Health number plates must have letters and numbers selected by the DMV commissioner, and he may charge a higher fee, in addition to any fees permitted by law, for number plates that (1) contain the numbers and letters from a previously issued plate, (2) contain letters in place of numbers, and (3) are low-number plates.

§§ 229-232 — DMV ONLINE INSURANCE VERIFICATION SYSTEM

The act requires DMV to establish an online insurance verification system in order to:

1. confirm that a vehicle owner or operator obtains and continuously maintains the insurance coverage required by law;
2. provide DMV and insurers with an effective way to comply with the law's provisions on motor vehicles, vehicle highway use, and property and casualty insurance; and
3. reduce the number of uninsured motor vehicles on state highways.

The system must be available at all times, in the manner prescribed by DMV, to state and local law enforcement and other authorized government agencies for insurance verification purposes. It must generate

reports that may be useful to implement the act, as determined by the commissioner.

Under the act, the system must include (1) vehicle and owner information for all active registrations, provided by DMV, and (2) a record of each active motor vehicle insurance policy, provided by each insurer.

EFFECTIVE DATE: Upon passage

Data Submission

The act requires each insurer to submit a record of each active motor vehicle insurance policy for vehicles registered or garaged in the state on the submission date. For commercial fleet policies, insurers may provide a fleet policy number that covers their insured vehicles.

Insurers must electronically submit this data monthly on the date and in the format required by DMV. Insurers may submit data more frequently if they choose. The act also makes conforming changes regarding data submission in the insurance laws.

DMV must, at least monthly, (1) update the system's database with the records provided by insurers, (2) match the department's vehicle and owner information with the submitted records, and (3) compare all current vehicle registrations with the insurer's records.

Real-Time Verification

The act requires that the system (1) be capable of sending requests to verify motor vehicle insurance using insurer's online web services and (2) allow state and local law enforcement agencies to access the database in real time.

Under the act, each insurer must create an online web service that is accessible through the system in order to verify a vehicle's insurance in real time. DMV may, at its discretion, develop alternative methods for verifying commercial vehicle policies issued by insurers that write fewer policies than a threshold number established by the motor vehicle commissioner in consultation with the insurance commissioner and insurers.

Information Use and Disclosure

The act permits DMV to use the information in the system's database to administer and enforce motor vehicle, highway use, and property and casualty insurance laws and impose sanctions permitted under law. It also permits law enforcement officers to access the system to determine whether a vehicle owner or operator has insurance.

Under the act, all information in the system's database is considered a motor vehicle record and can be disclosed only for purposes authorized by state law

and the federal Driver's Privacy Protection Act.

Third-Party Vendor

The act allows DMV to contract with a third-party vendor to develop and maintain the system under the department's direction and management. DMV may do so only if the vendor enters into an agreement to protect the confidentiality of the system's contents.

Liability

Under the act, insurers are not liable for any information they provide to DMV or a vendor, including any erroneous information they may provide or omit in good faith.

Neither DMV nor its vendor is liable to anyone for gathering, managing, or using the information in the system, as long as they do so according to the act.

§ 233 — SIGNAGE NOT NEEDED TO TOW VEHICLES IN CERTAIN CIRCUMSTANCES

PA 15-42, effective October 1, 2015, requires that private commercial property owners or lessees, in order to tow vehicles, post signs indicating that unauthorized vehicles on the property may be towed.

The act allows private commercial property owners or lessees to tow unauthorized vehicles without posting signs warning that the vehicle may be towed if the vehicle is:

1. parked in a space reserved for a person with a disability without the appropriate license plate or windshield placard,
2. in an area reserved for authorized emergency vehicles,
3. within 10 feet of a fire hydrant,
4. blocking building access or entry or exit from the property, or
5. left for 48 hours or more.

EFFECTIVE DATE: October 1, 2105

§ 234 — RESTRICTING INSTANCES IN WHICH BOOTING VEHICLES IS PERMITTED

PA 15-42 allows (1) owners or lessees of private property, or their agents, to render immovable an unauthorized vehicle parked on their property (i.e., "boot" the vehicle) and (2) lending institutions to boot vehicles for repossession purposes. Under the act, vehicles may be booted only upon instruction of a private property owner or lessee, or his or her agent.

EFFECTIVE DATE: October 1, 2015

§ 235 — SALES AND USE TAX FOR HAZARDOUS MATERIALS VEHICLES

The act eliminates language in PA 15-46 that exempts certain hazardous materials vehicles from the sales and use tax.

EFFECTIVE DATE: Upon passage

§ 236 — DRIVE-ONLY LICENSES NOT FOR VOTING PURPOSES

The act clarifies that the back of “drive-only” licenses must contain language stating that the license cannot be used for voting purposes.

EFFECTIVE DATE: Upon passage

§ 237 — SERVING NOTICE OF PARKING FINES BY THE HARTFORD PARKING AUTHORITY

By law, municipalities taking part in a DMV program to facilitate the payment of parking fines must serve notice of the violation in person on the driver of the vehicle or, if the driver is not present, conspicuously place the notice of violation on the vehicle. The act allows the Hartford Parking Authority, if the driver is not present, to also notify the vehicle’s registered owner of the violation by regular or certified mail.

EFFECTIVE DATE: July 1, 2015

§§ 238-241 — HEALTH SYSTEM PROPERTY

§ 238 – *Property Subject to Taxation*

The act imposes the property tax on (1) real property that certain “health systems” acquire on or after October 1, 2015 that is subject to the tax at the time of the acquisition and (2) any personal property used to deliver healthcare services at the property. By law, a “health system” is a (1) parent corporation of one or more hospitals and any entity affiliated with that corporation through ownership, governance, membership, or other means or (2) hospital and any affiliated entity. The act applies to such acquiring health systems that had, for the 2013 fiscal year (ending September 30, 2013), at least \$1.5 billion in net patient revenue from facilities located in the state. Its provisions do not apply to real and personal property within such an entity’s campus (i.e., the physical area immediately adjacent to a hospital’s main buildings and other areas and structures not strictly contiguous to such buildings but within 250 yards of them).

The act specifies that the real and personal property taxes it imposes are the liabilities of, and must be paid by, the health system and not a hospital or affiliated entity. Its requirement supersedes any property tax statute or special act that exempts from property taxes real or personal property held by or on behalf of health

systems. Existing law generally exempts hospital and sanatorium property from property taxes (CGS § 12-81 (16)).

§ 239 – *Validating Tax Treatment of Health System Property*

The act validates, for property tax purposes, the acts and proceedings of a municipality’s officers and officials concerning the tax treatment of health system property on the 2014 grand list and prior lists. It requires the municipality to continue to tax or exempt such property, as applicable, in subsequent tax years. In doing so, it supersedes any contrary statute, special act, charter, or ordinance.

§ 240 – *Fixed Real Property Tax Assessments*

Existing law allows a municipality, with its legislative body’s approval, to fix the property tax assessment increase resulting from improvements made to real property used for specified purposes. (Fixing the assessment freezes the property’s taxable value for a set period, thus allowing its owner to improve the property without paying taxes on the improvement’s value.) The act expands the types of projects that qualify for the fixed assessments to include property improvements used by or on behalf of health systems.

By law, the period for fixing the assessment depends on the value of the improvements:

1. up to 100% of the increased assessment for up to seven years for projects costing at least \$3 million,
2. up to 100% of the increased assessment for up to two years for projects costing at least \$500,000, and
3. up to 50% of the increased assessment for up to three years for projects costing at least \$10,000.

EFFECTIVE DATE: Upon passage; the provision subjecting certain health system property to property taxes is applicable to assessment years beginning on or after October 1, 2015

§ 241 — RESIDENTIAL REAL PROPERTY USED OR INTENDED FOR STUDENT HOUSING

The act generally subjects to property tax any residential real property held by or on behalf of a private nonprofit institution of higher learning that is intended for or used as student housing. Under the act, “residential real property” is any house or building, or portion thereof, rented, leased, or hired out to be occupied as a home or residence for one or more students. The act does not apply to dormitories, which it defines as buildings maintained by a private nonprofit institution of higher learning, containing living or

sleeping facilities with at least 20 beds, intended for or used as student housing.

The act's requirement supersedes any property tax statute or special act that provides a property tax exemption for real or personal property owned by or on behalf of such institutions, except for the statutory exemption for college property owned by seven educational institutions (i.e., Connecticut College for Women; Hartford Seminary Foundation; Trinity College; Wesleyan University; Yale College; and Berkeley Divinity School and Sheffield Scientific School, which are part of Yale; CGS § 12-81(8)).

By law, "private, nonprofit institutions of higher learning" are educational institutions or independent colleges or universities that (1) provide instruction beyond the high school level, (2) offer or accept transfer of college-level credit, and (3) are either licensed or accredited by the Office of Higher Education to offer degrees. Independent colleges or universities are nonprofit institutions established in Connecticut that (1) have their home campuses here, (2) are not part of the state public higher education system, and (3) do not have the primary function of preparing students for a religious vocation.

EFFECTIVE DATE: Upon passage and applicable to assessment years beginning on or after October 1, 2015

§ 242 — DISTRICT HEATING SYSTEM INCENTIVE PROGRAMS

The act requires each gas company to develop a district heating system incentive program to reduce natural gas demand in the state. It defines a "district heating system" as a thermal loop natural gas demand reduction system that (1) is located in a designated area, (2) is designed to capture at least 30 million British Thermal Units of waste heat annually, and (3) distributes at least 75% of that waste heat to the premises of end use customers located in the system's service area.

Under the act, each company must submit its plan for an incentive program to the Energy Conservation Management Board and DEEP as part of the conservation and load management plan, which the law requires electric companies to prepare in coordination with gas companies. The board and DEEP have discretion to approve or disapprove the incentive program plans.

The act requires that a company's incentive program provide a one-time incentive payment to end-use customers who connect to a district heating system for heating purposes on or after March 1, 2016. The payment must be based on the customer's projected natural gas demand reduction during the period the customer commits to using the heating system's services. The projected reduction must be based on the

customer's weather-adjusted historical usage data from the previous three years. The incentive payment to the customer cannot exceed the incentive payment made for equivalent natural gas demand reductions in the state's conservation and load management plan.

The act allows a district heating system's owner or operator to charge end-use customers a connection charge up to an amount equal to the incentive payment that the customer received.

The act requires PURA to ensure that the gas company revenue needed to fund the incentive payments is provided through a fully reconciling conservation adjustment mechanism (in the company's rates) that cannot exceed \$9 million in total. The revenue to fund the incentives must be (1) in addition to the revenue authorized to fund the conservation and load management fund, (2) paid over at least a two-year period once it exceeds \$2 million, and (3) collected only from the customers of the gas company in whose service area the district heating system is located.

EFFECTIVE DATE: July 1, 2015

§§ 243 & 244 — SURROGATE PARENT PROGRAM

The act establishes, within available appropriations, a surrogate parent program administered by SDE in consultation with the Department of Children and Families (DCF) commissioner. Under the program, the SDE commissioner must appoint a surrogate parent for any foster child selected by DCF who resides in DCF's Region 3 (i.e., the Eastern Connecticut service region, comprising the Middletown, Norwich, and Willimantic areas). The act does not specify the criteria DCF must use to select the children.

In this context, a surrogate parent is a person appointed by the SDE commissioner as a child's advocate in the educational decision-making process in place of the child's parents or guardian.

The appointed surrogate parent must represent the foster child in the educational decision-making process if the child's parent or guardian agrees or fails to object to the surrogate's appointment. The parent or guardian must receive identical notice as the surrogate parent and may revoke the surrogate's appointment at any time.

The act requires the DCF and SDE commissioners, starting by January 1, 2016, to annually report on the surrogate parent program to the Children's and Education committees.

The act also makes a conforming change.
EFFECTIVE DATE: July 1, 2015

§§ 245-252 — EDUCATION GRANT CAPS

The act maintains existing caps on certain state education formula grants to school districts and regional education service centers (RESC) for two additional

fiscal years, through June 30, 2017. The caps require that grants be proportionately reduced if the state budget appropriations do not cover the full amounts required by the statutory formulas. The caps apply to state reimbursements for:

1. health services for private school students (CGS § 10-217a);
2. intradistrict transportation for private school students (CGS § 10-281);
3. adult education programs (CGS § 10-71);
4. RESC operations (CGS § 10-66j);
5. school districts' special education costs and excess costs, (a) including those for special education students under an order of temporary custody for whom no financially responsible district can be identified ("no-nexus students") and (b) excluding no-nexus students committed to DCF (CGS § 10-76d & 10-76g);
6. excess regular education costs for state-placed children educated by private residential facilities (CGS § 10-253); and
7. school transportation grants (CGS § 10-266m).

EFFECTIVE DATE: July 1, 2015

§§ 253 & 254 — AGRICULTURAL SCIENCE AND TECHNOLOGY CENTER OPERATING GRANTS

The act requires that operating grants for agricultural science and technology centers ("ag-science centers"), which the law establishes at \$3,200 per pupil, be within available appropriations.

Additionally, it extends permission through FYs 16 and 17 for local or regional school boards to spend their state grant for an ag-science program even if the grant exceeds the total budgeted amount approved by their respective municipality or regional school district. The act thus overrides statutes that limit the total amount a board may spend on education without additional authorization from the town or regional district.

EFFECTIVE DATE: July 1, 2015

§ 255 — SUPPLEMENTAL OPEN CHOICE TRANSPORTATION GRANTS

The act (1) expands eligibility for supplemental transportation grants for the statewide interdistrict public school attendance program (i.e., "Open Choice") and (2) authorizes the grants for FYs 15-17. The Open Choice program aims to improve academic achievement; reduce racial, ethnic, and economic isolation; and provide public school students a choice of educational programs.

By law, SDE must provide Open Choice transportation grants to local or regional boards of education or RESCs, within available appropriations, in amounts up to \$3,250 per pupil. Prior law allowed the

education commissioner to distribute supplemental grants only to RESCs, if needed, to offset Open Choice transportation costs that exceed the per-pupil grant. The act (1) makes local or regional boards of education eligible for these supplemental grants and (2) changes, from September 1, to October 1, the date when the number of students transported is determined for each year.

Prior law provided ongoing authorization for the grants for each fiscal year. The act authorizes the grants only for FYs 15-17.

EFFECTIVE DATE: July 1, 2015

§ 256 — PRIORITY SCHOOL DISTRICT (PSD) GRANTS

The act distributes the PSD grant appropriation for FYs 16 and 17 across three categories, shown in Table 7.

Table 7: Priority School District Grant Funding Distribution

<i>Category</i>	<i>FY 16</i>	<i>FY 17</i>
Priority school districts	\$37,252,757	\$38,342,720
Extended school building hours	\$2,994,752	\$2,994,752
School accountability	\$3,499,699	\$3,499,699

The PSD program provides grants to districts with significant poverty for (1) early reading programs, (2) summer school, and (3) extended school building hours for enrichment and recreational activities.

EFFECTIVE DATE: July 1, 2015

§ 257 — YOUTH SERVICE BUREAU GRANTS

Under prior law, beginning in FY 13, youth service bureaus could receive grants only if they (1) were eligible to receive them in FY 07 or (2) applied by June 30, 2012 after the host town approved the local contribution. The act also makes bureaus eligible if they applied for a grant during FY 15.

EFFECTIVE DATE: July 1, 2015

§ 258 — COMMISSIONER'S NETWORK OF SCHOOLS

Prior law allowed the education commissioner to make targeted interventions at low-performing schools that she selects for the program known as the commissioner's network of schools. The act increases the number of schools the commissioner may select for the network by allowing her to select up to (1) 25 schools for the network in a single school year, rather than 25 total, and (2) five, instead of two, schools from

one district in a single school year. It also removes the cap on the number of schools from a single district that can be in the network at any one time. Under the act, all selections must be made within available appropriations. It also makes technical changes.

EFFECTIVE DATE: July 1, 2015

§§ 259-261 — BIRTH-TO-THREE PROGRAM LEAD AGENCY

The act makes the Office of Early Childhood (OEC), rather than the Department of Developmental Services (DDS), the lead agency for the Birth-to-Three program, which provides early intervention services to families with infants and toddlers who have developmental delays or disabilities. DDS remains a participating agency for the program under the act.

Additionally, it requires the OEC commissioner to post notice online using the secretary of the state's eRegulations system, rather than print notice in the *Connecticut Law Journal*, of the agency's intention to adopt or amend regulations about fee collection from program service recipients. It also makes several conforming changes.

EFFECTIVE DATE: July 1, 2015

§§ 262 & 521 — BIRTH-TO-THREE HEARING TESTS

The act establishes an October 1, 2015 deadline for the early childhood commissioner to require, as part of the Birth-to-Three program, that notice of the availability of hearing tests be given to parents and guardians of children receiving program services who are exhibiting delayed speech, language, or hearing development. (PA 15-81, which this act repeals, (1) imposes the same deadline for DDS to require the notice and (2) contains similar notice and regulatory provisions.)

The notice required under the act may include information on the benefits of, and available financial assistance for, hearing tests for children, as well as available hearing test and treatment resources. The act allows the commissioner to adopt implementing regulations.

EFFECTIVE DATE: July 1, 2015

§ 263 — EDUCATION PLANNING COMMISSION AND STRATEGIC MASTER PLAN FOR THE CONNECTICUT PUBLIC EDUCATION SYSTEM

The act establishes a 29-member Education Planning Commission to develop and recommend the implementation of a strategic master plan that states a clear vision and mission for developing a sustainable, equitable, and high-quality public education system for Connecticut.

The act requires the commission to issue a preliminary report by April 15, 2016 and the strategic master plan by February 15, 2017. The preliminary report must address the strategic master plan's development and include any legislative and funding recommendations. The strategic master plan must include (1) specific goals and benchmarks for implementation and (2) any legislative and funding recommendations. Both reports must be submitted to the Education and Appropriations committees and the governor.

The commission terminates when it submits its master plan or on February 15, 2017, whichever is later.

EFFECTIVE DATE: July 1, 2015

Planning Commission Membership

Under the act, the commission has 29 voting members. Table 8 lists the appointing authorities, number of appointees, and the qualifications and background that each of the appointees must possess. The act requires that the commission membership reflect the state's geographic, racial, and ethnic diversity.

Table 8: Planning Commission for Education Voting Members and Appointing Authority

Number of Appointments	Appointing Authority	Qualifications and Background
5	House speaker	<ul style="list-style-type: none"> • Current or former rural school district superintendent • Certified public school teacher currently employed or retired for at least one year • Person with knowledge of and experience with special education • Person with systems building knowledge and experience • Representative of an organization of boards of education
5	Senate president pro tempore	<ul style="list-style-type: none"> • Current or former superintendent of an urban school district with a charter school and interdistrict magnet school • Certified public school teacher currently employed or retired for at least one year • Person with early childhood education knowledge and experience • Person with civil rights knowledge and experience in education equity, access, and quality • Person with adult education knowledge and experience
2	House majority leader	<ul style="list-style-type: none"> • Current or former superintendent of schools for a regional school district • Public high school student
2	Senate majority leader	<ul style="list-style-type: none"> • Current or former suburban school district superintendent • Parent or guardian of a public school student
2	House minority leader	<ul style="list-style-type: none"> • Statewide business organization representative • Scholar with experience and expertise in the field of pre-K-12 education
2	Senate minority leader	<ul style="list-style-type: none"> • Entrepreneur • Scholar who has experience and expertise in higher education
9	Governor	<ul style="list-style-type: none"> • Certified public school teacher currently employed or retired for at least one year • Parent or guardian of a public school student • Person with civil rights knowledge and experience in education equity, access, and quality • Person with knowledge and experience in academically advanced curriculum development • Five additional members who do not have any specific qualifications
	n/a	Education and early childhood commissioners (ex-officio)

Commission Operations

Under the act, members must elect commission cochairpersons at the commission’s first meeting. The act also specifies that vacancies must be filled by the appointing authority and members serve without compensation except for necessary expenses incurred in performing their duties.

The act allows the commission to (1) seek the advice and participation of any person, organization, or state or federal agency it deems necessary; (2) within available appropriations, retain consultants to help carry out its duties; and (3) receive funds from any public or private sources to carry out its activities.

Commission’s Duties

The act requires the commission to:

1. articulate a clear vision and mission for developing a sustainable, equitable, and high-quality public education system that (a) coordinates the components of education reform, (b) clarifies how these components of education reform work together, and (c) provides every child with access to an educational experience that meets the child’s needs, and
2. develop and recommend the implementation of a strategic master plan to carry out the vision and mission.

Master Plan

The act requires the commission to consider specific issues and to examine and recommend changes to education funding policies in developing the master plan.

The commission must address:

1. how to better organize public education and streamline the various and disparate mandates, initiatives, and reforms that compete with the articulated vision and mission;
2. the way public education uses data and supports to inform and improve education in the state;
3. whether and to what extent the accountability system assesses public education’s most worthy outcomes; and
4. the identification and analysis of the most significant factors that affect and support public education’s most worthy outcomes for all students, including poverty, socioeconomic and racial isolation, language barriers, and parental engagement in a student’s education.

In addressing these issues, the act requires the commission to consider determining:

1. public education’s most worthy outcomes and the means to achieve them;
2. the extent to which public education prepares students to meet the challenges of work, citizenship, and life after graduation;
3. strategies to develop statewide education leadership goals and to enhance education leadership in conformance with the goals;
4. ways to ensure effective communication and partnership between school districts and the families of children who attend school in the district, with particular focus on diversity;
5. ways to share best practices within public education, including learning across methodologies, models, and structures of educational excellence;
6. necessary innovations to excel in both competitiveness and character;
7. the extent to which public education empowers students and educators to excel, innovate, and build on strengths; and
8. best practices that ensure high quality instruction and promote continuous systemic improvement.

Under the act, the commission must also examine and recommend changes to funding policies, practices, and accountability to:

1. align funding policies, practices, and accountability with the strategic master plan;
2. ensure that all school districts receive equitable funding from the state; and
3. determine and recommend measures to promote the adoption of ways to most effectively use resources.

§§ 264-285 — DUTIES RELATED TO SPECIAL EDUCATION

The act creates new duties relating to special education and assigns them to SDE, SBE, the education commissioner, DSS, RESCs, the State Education Resource Center (SERC), the Auditors of Public Accounts, and local and regional boards of education.

EFFECTIVE DATE: July 1, 2015

SDE Duties

§ 264 – *Reporting on Federal Individuals with Disabilities Education Act (IDEA) Funds Received.* Beginning with FY 16, the act requires SDE to annually report to the Education Committee on:

1. the total amount of (a) federal funds received under IDEA, (b) IDEA funds SDE paid to local or regional boards of education, and (c) IDEA funds SDE paid to each individual local or regional board of education and

2. a description of how the state spends IDEA funds, including which programs receive them from the department.

The act does not specify a reporting date.

§ 268 – *IEP Advisory Council*. The act establishes a 13-member IEP Advisory Council to help the education commissioner develop a new IEP form that is easier for practitioners to use and parents and students to understand. SERC must provide administrative support to this council. Table 9 below describes the members and their respective appointing parties.

Table 9: IEP Advisory Council Membership

<i>Appointing Authority</i>	<i>Member(s)</i>
House speaker	<ul style="list-style-type: none"> • Advocate for parents/guardians of special education students • Public school special education teacher who is a member of the American Federation of Teachers - Connecticut
Senate president pro tempore	<ul style="list-style-type: none"> • School superintendent • Connecticut State Advisory Committee on Special Education representative
House majority leader	<ul style="list-style-type: none"> • Public school principal • Public school teacher who is a member of the Connecticut Education Association
Senate majority leader	<ul style="list-style-type: none"> • Advocate for parents/guardians of special education students • RESC Alliance representative
House minority leader	<ul style="list-style-type: none"> • Director of pupil personnel • SERC representative
Senate minority leader	<ul style="list-style-type: none"> • Connecticut Association of Boards of Education (CABE) representative • American School for the Deaf representative
n/a	Education commissioner or her designee (ex-officio)

The act also allows the education commissioner to appoint any SDE employee with expertise in special education to serve as a non-voting member.

Appointing authorities (1) must make their appointments within 30 days after the act takes effect (July 30, 2015) and (2) fill any vacancies. The House speaker and Senate president pro tempore must select the council’s chairpersons from among its members. The chairpersons must schedule the council’s first meeting and hold it within 60 days after the act takes effect (August 29, 2015).

The council terminates on the date the education commissioner submits the new IEP form to the Education Committee or January 1, 2017, whichever is later.

§ 267 – *IEP Form*. The act requires that the newly designed IEP form include a brief description of the state parent training and information center established under IDEA and SDE’s Bureau of Special Education, as well as contact information for each. This description must appear in a conspicuous place on the first page of the IEP form using at least 12-point Times New Roman font.

Under the act, the education commissioner must submit the new IEP form to the Education Committee by January 1, 2017.

§§ 269 & 270 – *Digital IEP Form Software*. The act requires SDE to (1) purchase, through a competitive bidding process, digitized IEP form software that allows users to create, submit, and share digital copies of students’ IEPs and related documents and (2) provide the software at no cost to local and regional boards of education and the technical high school system.

By October 1, 2015, SDE must issue a request for proposals (RFP) to eligible software companies. The RFP must require that the software meet the following criteria:

1. allows authorized users to create and submit a complete digital copy of a student’s IEP and related documents to the portal and share it with (a) SDE for purposes of a remote audit and (b) boards of education or technical high schools responsible for a transfer student;
2. provides 24-hour access to an unlimited number of authorized users;
3. provides an electronic catalog of goals and objectives aligned with SBE curriculum standards;
4. allows boards of education and the technical high school system to purchase additional programs to supplement the software; and
5. protects a student’s IEP and related documents that are created, submitted, and shared through the software from unauthorized access, destruction, use, modification, or disclosure under current industry standards.

When evaluating the RFP responses, SDE must consider the types of software that boards of education and the technical high school system currently use and have successfully implemented. If the RFP responses yield software proposals that do not satisfy the RFP requirements, or cost more than the amount appropriated to the department for the software purchase, SDE is not required to buy any software. SDE must then study the feasibility of creating and administering its own digital IEP form software for boards and technical high schools to use. The department must submit this study, if necessary, to the Education Committee by April 1, 2016.

If SDE chooses to purchase a program from among the RFP responses, it must distribute the associated software at no cost to the following recipients:

1. for the 2016-17 school year, to 50% of the state's local and regional boards of education and 50% of the technical high schools and
2. for the 2017-18 school year, to the remaining local and regional boards of education and technical high schools.

Boards of education and the technical high school system must use the SDE-provided software unless the board or system is bound by an agreement with a software company that predates SDE's provision of the software. In that event, the act requires the board or system to use the SDE-provided software after the agreement expires.

§ 272 – Programs and Services Information. The act requires SDE to distribute upon request complete and accurate information about special education programs and services offered by the state, local and regional boards of education, RESCs, and other providers to organizations representing or providing services to parents and guardians of children requiring special education services, unless they are prohibited from doing so by state or federal law.

§ 282 – Interagency MOU. The act requires SDE to enter into MOUs with the Bureau of Rehabilitation Services (BRS), OEC, DDS, DCF, DSS, and Department of Correction about providing special education, health care, and transition services to children. The MOUs must (1) account for current programs and services, (2) utilize best practices, and (3) be updated or renewed at least every five years.

It also allows the above agencies, other than SDE, to enter into MOUs with each other as necessary for the same purpose. The MOUs must meet the same criteria listed above.

SBE Duties

§ 266 – Transition Resources and Services. The act requires SBE, in collaboration with BRS, DDS, and the Office of Workforce Competitiveness, to:

1. coordinate transition resources, services, and programs to children requiring special education services;
2. create, and update as necessary, a fact sheet describing the state agencies that provide transition resources, services, and programs;
3. disseminate the fact sheet to local and regional boards of education for distribution to parents, teachers, administrators, and boards of education; and

4. annually collect information about transition resources, services, and programs provided by other state agencies and make it available to parents, teachers, administrators, and boards of education.

Beginning with the 2016-17 school year, SBE must annually send the fact sheet to each board of education for annual distribution to the parent of a child requiring special education services in grades six to 12 and the board must distribute the fact sheet at the child's Planning and Placement Team (PPT) meeting. A parent includes the (1) child's parent or guardian requiring special education services, (2) surrogate parent, or (3) pupil, if he or she is 18 years old or is an emancipated minor.

DSS Duties

§ 265 – Feasibility Study on Medicaid Fund Report. The act requires DSS to study the feasibility of compiling an annual report on Medicaid funds received for special education services. The study must examine how DSS would include the following in an annual report:

1. the total amount of (a) federal funds received through the Medicaid School Based Child Health Program for special education and related services, (b) such funds paid by DSS to fund the services, and (c) such funds DSS paid to each provider of the services and
2. a description of how the funds are being spent, including which programs receive these funds from DSS.

The act requires DSS to submit the study to the Education Committee by January 1, 2016.

RESC Duties

§ 274 – Special Education Funding Working Group. The act establishes a 14-member RESC special education funding working group to:

1. study the funding provided to and expenditures by RESCs for providing special education services, including funding sources and the ways in which RESCs use them, and
2. make recommendations about ways RESCs can access additional special education funding and use it more efficiently while expanding special education services, such as transportation, training, and therapeutic services.

The RESC Alliance must provide administrative support to the working group. Table 10 below describes the members and their respective appointing authorities.

Table 10: Special Education Funding Working Group Membership

<i>Appointing Authority</i>	<i>Member(s)</i>
House speaker	<ul style="list-style-type: none"> • Appropriations Committee member • Capitol Region Education Council representative
Senate president pro tempore	<ul style="list-style-type: none"> • Chief executive officer of a town, city, or borough • Area Cooperative Educational Services representative
House majority leader	<ul style="list-style-type: none"> • Director of pupil personnel • Education Connection representative
Senate majority leader	<ul style="list-style-type: none"> • School superintendent • LEARN representative
House minority leader	<ul style="list-style-type: none"> • Connecticut Association of School Business Officials representative • EASTCONN representative
Senate minority leader	<ul style="list-style-type: none"> • CABE representative • Cooperative Educational Services representative
n/a	<ul style="list-style-type: none"> • Office of Policy and Management secretary and Education commissioner or their designees (ex-officio)

The act requires the above appointing authorities to (1) make their appointments within 30 days after the act's effective date (July 30, 2015) and (2) fill any vacancies. The House speaker and Senate president pro tempore must jointly select one of the working group's chairpersons from among its members; the education commissioner or her designee must serve as the second chairperson. The chairpersons must schedule the working group's first meeting and hold it within 60 days after the act's effective date (August 29, 2015).

By July 1, 2016, the working group must report its findings and recommendations to the Education and Appropriations committees. The group must terminate on the day it submits the report or July 1, 2016, whichever is later.

§ 275 – *Regional Model for Special Education Services*. The act requires each RESC, in consultation with SDE, to develop its own regional model for providing special education transportation, training, and therapeutic services for all school districts the RESC serves. Each model must take into account the least restrictive environment for students receiving special education services and include a:

1. regional transportation plan, developed in consultation with public transit districts, that provides transportation to children requiring special education and related services;
2. regional educator training plan that provides special education training to teachers, school paraprofessionals, and administrators that

includes (a) instruction on classroom techniques to improve the provision of special education services to children and (b) the implementation of scientific research-based interventions;

3. regional plan for providing therapeutic services, including speech, physical, and occupational therapies; and
4. plan for providing transportation, training, and therapeutic services in a manner that makes them readily available to each school district the RESC serves, rather than by a school district's request.

By October 1, 2016, each RESC must submit its model to SBE and the Education Committee.

§ 284 – *Survey of Special Education Services and Programs*. By July 1, 2016, the act requires each RESC, in consultation with SDE, to survey the special education services and programs provided in its region to identify the need for enhanced or new services and programs. The survey must include:

1. an inventory of special education services and programs provided to public school students by local and regional boards of education and private providers,
2. the number of students receiving special education services or in special education programs provided by a board of education or private provider,
3. the cost incurred by each school district for all such special education services and programs, and
4. the cost incurred by each school district for each special education service and program.

Each RESC must develop and maintain its own survey procedure and may conduct subsequent surveys as needed.

§ 285 – *New Service and Program Feasibility Study*. The act requires each RESC to study the feasibility of providing and administering new special education services and programs that are of equal or greater quality than those currently provided in its region by local or regional boards of education or private providers. The study must:

1. identify new and current special education services and programs the RESC provides;
2. account for the (a) least restrictive environment for students receiving special education services and (b) areas of need identified in the survey of special education services and programs described above;
3. consider the infrastructure, planning, personnel, funding, and additional needs required to initiate and maintain RESC special education services and programs; and

4. include recommendations for sites for future RESC special education services and programs and a timeline for their implementation.

By October 1, 2016, each RESC must submit its feasibility study to SBE and the Education and Appropriations committees.

SERC Duties

§ 271 – *Assistive Technology Equipment-Sharing Program Study*. The act requires SERC to study assistive technology equipment-sharing programs and specifically examine:

1. the effectiveness of Connecticut’s existing equipment-sharing programs,
2. board of education access to these programs, and
3. ways to create a plan to make these programs available to those that lack access to them.

SERC must report its findings and recommendations to the Education Committee by January 1, 2016.

§ 273 – *Special Education Learning and Training Calendar*. The act requires SERC to accept submissions from special education advocacy groups, local and regional boards of education, RESCs, and other providers about public special education learning and training opportunities in order to make a public calendar. The act allows SERC to post the calendar on its website and use its discretion to exclude from the calendar any event it determines is not a legitimate learning or training opportunity.

It also (1) allows the Connecticut Parent Advocacy Center to reproduce and share the calendar and (2) requires SDE to post a link to it in a conspicuous location on the department’s website.

§ 283 – *Longitudinal Student Data Study*. The act requires SERC to study the collection, assimilation, and reporting of longitudinal student data related to special education outcomes. The study must examine the feasibility of:

1. expanding the Preschool through 20 Workforce Information Network (P20 WIN) (see *Background - P20 WIN*) to include DDS and BRS participation and
2. using the network to create an annual report on students who received special education and have exited the public school system, including their subsequent employment and participation in state programs, at regular intervals over a 10-year period following their exit from the public school system.

The study must also project the costs of this annual report and P20 WIN expansion to include additional agencies.

SERC must submit study findings to the Education Committee by January 1, 2016.

§§ 278-281 – Auditors of Public Accounts Duties

The act requires the auditors to examine the records and accounts of certain private providers of special education services. It defines a private provider as any private school, agency, or institution, including a group home, that receives state or local funds to provide special education services to any student with an IEP or individual services plan written by the student’s local or regional board of education.

§ 278 – *Audit Authorization and Purpose*. Under the act, the auditors serve as an agent of the local or regional board of education while examining the records and accounts of a provider that (1) has entered into an agreement with a board of education or (2) receives any state or local funds to provide special education services in connection with any grant made by any state agency under state law or any public or special act. The auditors’ examination must include a compliance audit of whether the private provider expended these state or local funds for allowable costs in accordance with (1) state and federal law and (2) the IEP program or individual services plan for each child receiving special education and related services from the provider.

§ 278 – *Audit Frequency*. The act requires the auditors to examine private providers’ records and accounts at least once every seven years; however, no provider may be examined more than once in a five-year period unless the auditors found a problem with the provider’s records and accounts during that time.

It also requires that the audits conducted in one year be, as much as practical, approximately evenly split among SDE-approved and -non-approved private providers. Additionally, the auditors must, as much as practical, prioritize auditing those providers that:

1. receive the greatest amount of state or local funds to provide special education services,
2. provide these services to the largest number of students with individual service plans from a local or regional board of education, and
3. have the largest proportion of state and local funds for the provision of these services in relation to their total operational expenses.

Under the act, the auditors may consult SDE during the course of an audit and share any preliminary findings with the department.

§ 278 – *Audit Findings*. The auditors must report their findings to the (1) local or regional board of education that contracted with the private provider or completed an IEP or individual services plan for a student receiving services from the provider, (2) education commissioner, and (3) Education Committee.

§ 279 – *Audit Cooperation from Boards of Education.* The act requires each local and regional board of education to annually give the auditors the following information: (1) the number of students under the board’s jurisdiction who receive special education and related services from a private provider and (2) the amount of money the board paid to these providers during the previous fiscal year.

§ 281 – *Audit Cooperation from Private Providers.* The act requires providers to submit to these audits and provide access to all records and accounts necessary for the audit.

§ 276 – *Teacher Certification Requirements*

Prior law required initial and provisional certificate applicants (those seeking the first two levels of teaching certificates) to complete at least 36 hours of special education coursework on (1) the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and (2) methods for identifying, planning for, and working effectively with special education students in a mainstream classroom. The act eliminates this 36-hour requirement for a year and reinstates it starting July 1, 2016.

It also expands special education coursework requirements for initial teacher certification as of July 1, 2016 by requiring a person to also complete one or more courses in special education about classroom techniques in reading, differentiated instruction, social-emotional learning, cultural competencies, and assistive technology. Any person issued an initial certificate before July 1, 2016 does not have to comply with these new requirements.

§ 277 – *Parental Rights in PPT Meetings*

The act specifies that parents and guardians have the right to (1) participate in all portions of the PPT meeting at which a child’s IEP is developed, reviewed, or revised and (2) have the student’s assigned school paraprofessional, if the student has one, be present and participate in all portions of the PPT meeting. It requires boards of education to inform parents and guardians of these rights immediately after identifying a child as needing special education and also at each PPT meeting.

Background – P20 Win

P20 WIN is a data-sharing system designed to gather student data from SBE and the Board of Regents for Higher Education and workforce data from the Department of Labor to identify:

1. high school indicators that are the best predictors of students’ success in college or the workplace,
2. teacher preparation programs that produce graduates whose students have the strongest academic growth, and
3. postsecondary certificates and degrees that lead to significant earning differences.

§§ 286-298 — BILINGUAL EDUCATION AND ENGLISH LANGUAGE LEARNERS (ELL) PROGRAMS

The act makes a number of changes to the laws affecting bilingual education, ELL, and language support services. Among other things, it requires SDE to provide bilingual students with more time in bilingual programs if certain criteria are met. For ELL students, (1) SDE must establish an ELL student pilot program in four school districts and have the pilot program independently evaluated and (2) each of the six RESCs must study the feasibility of providing enhanced ELL services to the districts in their respective regions.
EFFECTIVE DATE: July 1, 2015

§§ 286 & 290 – *Bilingual Education*

The act establishes a process and criteria under which a student may receive more than the prior maximum of 30 months (three school years) of bilingual education. Under the act, an eligible student may spend up to an additional 30 months in a bilingual education program if (1) the board of education responsible for educating the student asks SDE for an extension and (2) SDE agrees, using standards the act requires SDE to develop, that an extension is necessary. In addition, SDE can decide, without a request from a local board, that an extension is necessary using the same standards. By July 1, 2016, SDE must, in consultation with public higher education institutions, bilingual education programming experts, and bilingual education teachers, develop standards for determining whether an extension is necessary for a student who has already received 30 months of bilingual education.

By law, a public school student is eligible for bilingual education if his or her (1) dominant language is not English and (2) proficiency in English is not sufficient to assure equal educational opportunity in the regular school program (CGS § 10-17e).

§ 286 – *Language Support Services*

By law, a board of education must provide language-transition support services to any student who does not meet the English mastery standard after 30 months of bilingual education. The act extends this

requirement to students who do not meet the English mastery standard at the end of the bilingual extension period the act creates. The act also requires the boards to provide academic support services to such students.

Under prior law, language-transition support included tutoring and homework assistance, as long as they were not part of a bilingual program. The act eliminates this option but adds other research-based language development programs. By law, the board may continue to provide programs such as English as a second language (ESL), sheltered English, and English immersion in these situations.

By law, a school district must meet with the parents or legal guardians of an eligible student to explain the benefits of the district's language program options. The act specifies that this requirement includes any native language accommodations that it has for Connecticut mastery examinations.

§ 287 – Annual Bilingual Program Grants and Evaluations

By law, SBE must annually provide grants to school districts that provide bilingual education and evaluate the effectiveness of each district's bilingual education and ESL programs. SBE determines the grant amounts based on a formula applied to the amount appropriated for the program. For FYs 16 and 17, the act appropriates \$1,916,130 for the grants and deletes the general reference to the appropriation for this purpose.

It also specifies that SBE must spend any amount appropriated in excess of \$1,916,130 for (1) creating the bilingual extension standards, (2) funding the ELL pilot program, and (3) funding the RESC survey (see §§ 297 & 298), as the act specifies. Under the act, SDE must distribute any unspent grant funds as of November 1 on a pro rata basis to each local or regional board of education that receives a grant for a bilingual education program.

§ 288 – ESL Teachers

The act requires, rather than permits, districts unable to hire enough certified bilingual teachers for a school year to apply to the education commissioner for permission to use certified ESL teachers instead. By law, the commissioner may grant a request for good cause.

§ 289 – RESCs and Bilingual Education Study

The act requires SDE to study the feasibility of using RESCs to help local and regional boards of education that have low enrollments of bilingual education eligible students (presumably this means

districts whose number of eligible students is less than the 20-student threshold that triggers the bilingual education mandate). The study must examine how to provide bilingual education, language transition, and academic support and may include ESL programs, sheltered English programs, English immersion programs, or other research-based language development programs related to ELL students.

SDE must report its findings and recommendations to the Education Committee by January 1, 2016.

§ 291 – Language Acquisition Information for Parents

The act sets a July 1, 2016 deadline for SDE to give boards of education information on (1) research-based best practices on how to involve eligible students' parents and legal guardians in the language acquisition process and (2) native language accommodations for statewide mastery exams.

§ 292 – Language Acquisition and In-Service Training

The act expands the programs that SBE, within available appropriations and using available materials, must assist and encourage local and regional boards of education to include as part of their teacher in-service training programs. The act adds second language acquisition, including language development and culturally responsive pedagogy.

§ 293 – Annual Report on Academic Progress of Bilingual Education Students

The act requires SDE to monitor the (1) academic progress of bilingual students and (2) quality of bilingual education programs offered by local and regional boards of education by annually collecting and disaggregating their mastery examination data. Beginning July 1, 2016, SDE must annually report on its findings regarding the data to the Education Committee.

§ 294 – ELL Pilot Program and Evaluation

The act requires SDE to establish an ELL pilot program for the 2015-16 and 2016-17 school years for the (1) three school districts with the largest total number of ELL students and (2) school district with the largest percentage of ELL students in its student population. The program must be established in consultation with public higher education institutions and language acquisition experts. The RESC that serves the region in which each participant is located must provide administrative support to the district to implement the pilot program.

Pilot program participants must develop research-based language acquisition plans for ELL students in consultation with SDE, public higher education institutions, or language acquisition experts. They must consider such things as the (1) school district or region size, (2) ELL student population characteristics, (3) school district or region geography and demography, and (4) number of bilingual education teachers and the native languages of the student population.

The act requires SDE to contract with an independent evaluator from a higher education institution or a professional evaluator with expertise in language acquisition to evaluate the ELL pilot program. The evaluation must be submitted to SDE and the Education Committee by October 1, 2017.

§§ 295 – Mastery Examinations and ELL Students

The act prohibits the state mastery test scores of certain ELL students from being used to calculate the school or district performance indices. Beginning with the 2015-16 school year, the students' scores may not be included in the index calculations if the students are identified as ELL, as defined by law, and have been enrolled in a school in Connecticut or another state for fewer than 20 school months.

The act also requires SDE to develop and offer, beginning with the 2015-16 school year, the mastery examinations in the most common native languages of ELL students who are taking the tests and any additional native languages of students when mastery examinations in such native languages are developed and have been approved by the U.S. Department of Education.

§ 296 – Alliance District Plans and ELL Students

By law, alliance districts must submit a plan to SDE in order to receive the increase in education cost sharing aid that started in 2013 for alliance districts. The act expands the list of things that may be included in an alliance district plan by adding provisions for enhancing bilingual education programs or other language acquisition services, including participation in the act's ELL pilot program.

By law, alliance districts are the 30 school districts with the lowest District Performance Index (DPI) scores based on 2013 student mastery test scores (§§ 326-333 of the act authorize SDE to revise the index).

§§ 297 & 298 – RESC Survey and Feasibility Study for Improved ELL Services

The act requires each of the state's six RESCs to:

1. conduct a survey, by July 1, 2016, of ELL services and bilingual education programs provided in the RESC's region to identify the need for enhanced or new RESC-provided ELL services and bilingual education programs and
2. study the feasibility of providing and administering new ELL services and bilingual education programs at least equal to those the local and regional boards of education currently provide in that region.

The survey must at least include:

1. an inventory of ELL services and bilingual education programs boards of education provide to public school students,
2. the number of students receiving ELL services or enrolled in bilingual education programs provided by a board, and
3. each school district's (a) total cost for all ELL services and bilingual education programs and (b) cost for each service or program.

Each RESC must develop and maintain its own survey procedure and can conduct subsequent surveys as necessary.

The feasibility study must:

1. identify new and current ELL services and bilingual education programs the RESC provides;
2. consider the areas of need identified in the survey;
3. consider the infrastructure, planning, personnel, funding, and additional needs required to initiate and maintain RESC-provided ELL services and bilingual education programs; and
4. recommend sites for future ELL services and bilingual education programs the RESC could provide and a timeline to implement the programs.

Under the act, each RESC must submit the feasibility study by October 1, 2016 to SBE and the Education Committee.

§ 299 — HIGH SCHOOL GRADUATION REQUIREMENTS TASK FORCE

The act requires the high school graduation requirements task force (created by PA 15-237) to study the feasibility of substituting a student's participation in interscholastic athletics for the physical education credit in order to satisfy the high school graduation requirements.

Under PA 15-237, the task force must also study the (1) alignment of the high school graduation requirement changes with the Common Core State Standards and (2) feasibility of adding training in CPR as a high school graduation requirement. It must submit a report to the Education Committee by January 1, 2016.

EFFECTIVE DATE: Upon passage

§ 300 — ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) WAIVER

Beginning July 1, 2015, the act requires the education commissioner to comply with the following procedures before submitting an ESEA waiver application to the federal government: (1) offering notice and comment periods, (2) sending the application and comments to the Education Committee for a public hearing, and (3) including additional materials in the waiver application package. The U.S. Department of Education grants waivers to states from ESEA provisions (more commonly known as the No Child Left Behind Act, the reauthorized version of ESEA) to give them standardized testing flexibility in exchange for compliance with federal accountability and curriculum standard initiatives.

EFFECTIVE DATE: July 1, 2015

Notice and Comment

The act requires the commissioner to comply with two notice provisions. First, if the commissioner is considering applying for a federal ESEA waiver when developing the agency budget for the upcoming fiscal year, the act requires her to notify the Education Committee about this possibility. Second, if the commissioner intends to seek an ESEA waiver, she must publish notice of this in the *Connecticut Law Journal* along with a (1) summary of the waiver application and (2) description of the comment submission process.

The act also requires the commissioner to allow for a 15-day written comment submission period prior to submitting the waiver application to the Education Committee. Once the comment period ends, the commissioner must include all written comments when she submits the waiver application to the committee for a public hearing.

Public Hearing

Within 30 days of receiving the application, the committee must hold a public hearing and subsequently inform the commissioner about any recommendations it may have regarding the application. The act also requires the committee to send any additional written

comments it receives at the hearing to the commissioner.

Application Contents

After the hearing, if the commissioner submits the ESEA waiver application to the federal government, she must also include the following materials: (1) any written comments received during the 15-day comment period, (2) the Education Committee’s recommendations, and (3) any additional written comments received by the committee at the hearing.

§ 301 — INNOVATION WAIVERS FOR SCHOOL DISTRICTS

The act creates a process by which local and regional boards of education may obtain waivers from certain state statutes and regulations in exchange for demonstrating innovative ideas in their place (i.e., “innovation waivers”). It also requires boards of education that have received these waivers, as well as the education commissioner, to give progress reports on their success.

EFFECTIVE DATE: July 1, 2015

Innovation Waiver Process

The act requires the education commissioner to establish a process, by September 15, 2015, to invite innovation waiver requests from boards of education for waivers to certain statutes in Title 10 of the Connecticut General Statutes over which SBE has jurisdiction, or related agency regulations. The act prohibits, however, waiving any federal law requirements and certain state statutes. These state statutes govern:

1. school health and sanitation;
2. state grants to public schools, the minimum budget requirement, and transportation;
3. teacher certification, tenure, and collective bargaining;
4. assessments, remedial assistance, the statewide mastery examination, and reading and literacy initiatives;
5. municipalities’ obligation to maintain public schools serving grades kindergarten through 12;
6. school year length;
7. courses of study;
8. special education programs and services;
9. school attendance duties;
10. high school graduation requirements;
11. student support and remedial services;
12. school and district accountability;

13. documentation of students and teachers of racial minorities and students eligible for free or reduced-price lunches;
14. racial imbalance correction;
15. student suspension; and
16. transportation of private school students.

Commissioner Review and Recommendations. The commissioner must determine the form and manner by which boards may submit their requests for waivers. The act requires boards to demonstrate that:

1. the waiver would stimulate innovation or improve school district operations or student academic performance;
2. they can address the intent of the statute or regulation for which an innovation waiver is being sought in a more effective, efficient, or economical manner; and
3. the waiver would protect sound educational practices, student and school personnel health and safety, and equal learning opportunities.

The act instructs the commissioner to review waiver requests and allows her to recommend up to 10 for legislative approval. She then must report these recommendations to SBE, along with goals or benchmarks to measure the waivers' success.

SBE Review and Recommendations. Under the act, SBE must review the commissioner's report and make its own written recommendations for approval or rejection of each waiver request. SBE must submit these recommendations in report form to the General Assembly annually by March 15. The recommendations must explain the reasons for each approval or rejection suggestion. SBE may recommend that a waiver request be:

1. approved if it sufficiently demonstrates (a) how the waiver would stimulate innovation or improve administration of school district operations or student academic performance and (b) that the submitting board can address the statute or regulation for which the waiver is sought in a more effective, efficient, or economical manner or
2. rejected if it (a) is not based on sound educational practices, (b) endangers student or school personnel health or safety, or (c) compromises equal learning opportunities.

Together SBE and the commissioner must ensure that no more than 20 waivers or waiver renewals (see below) are simultaneously in effect when submitting recommendations to the General Assembly.

General Assembly Approval. Upon receiving SBE's report, the General Assembly has 30 days to disapprove by joint resolution recommendations to grant waiver requests, in whole or in part. If the General Assembly fails to act within that time, SBE's

recommendations are automatically approved.

Waiver Terms. The act gives the education commissioner the authority to decide the term of each waiver's validity, up to a maximum of two years. The commissioner must notify boards in writing about whether their requests have been approved or denied.

Waiver Renewals. Under the act, boards of education granted waivers have the option to seek a one-time renewal for up to two additional years. The commissioner determines the form and manner of the renewal process, and the renewal request must describe how the original innovation waiver's implementation has been successful in achieving the goals or benchmarks that the commissioner established for it. The process for granting a waiver renewal is identical to the process for initial approval.

Waiver Revocation. The act allows the commissioner to revoke a waiver or waiver renewal if she finds that its implementation (1) is not a sound educational practice, (2) endangers student or school personnel health or safety, or (3) compromises equal learning opportunities.

Progress Reports

Boards of Education. Under the act, boards of education that have been granted waivers must do the following:

1. submit to SBE (a) annual progress reports about their respective waiver or waiver renewal's implementation and (b) a final report about the results of the waiver or waiver renewal, including whether it has achieved the commissioner's goals or benchmarks by the conclusion of its term;
2. post these results on their websites;
3. share these results with other boards upon request; and
4. if the waiver or renewal is successful, provide instruction and training about its implementation to other boards on request.

Education Commissioner. The act requires the commissioner to submit an annual report to the General Assembly beginning March 15, 2018 that describes the innovation waiver request invitation process. It may also include any recommendations for legislation.

§§ 302-305 — WINCHESTER SCHOOL DISTRICT RECEIVER

Receiver Responsibilities

The act requires the education commissioner, by August 1, 2015, to appoint a receiver for the Winchester school district to become the district's chief executive officer vested with the duties, rights, and responsibilities

of the board of education as prescribed in state law. The act assigns to the receiver all contracts and agreements, including collective bargaining agreements, made in the name of the Winchester Board of Education.

The receiver serves at the pleasure of the education commissioner and is paid by SDE. The commissioner may give the receiver additional responsibilities that are consistent with the act's provisions.

Under the act, the receiver is also responsible for:

1. managing all aspects of the school district;
2. developing the school district budget and delivering it to the town manager in accordance with the Winchester town charter;
3. providing a mechanism for parent, teacher, and community involvement in the schools;
4. supervising and directing the school district's day-to-day operations and its staff and employees, including the superintendent and all school administrators;
5. reprimanding, suspending, or terminating staff, employees and administrators consistent with any collective bargaining agreements or employment contracts;
6. reviewing and analyzing the fiscal practices of the school district and implementing improvements to such practices, if necessary;
7. identifying and applying for grants for which the school district may be eligible; and
8. reporting to the commissioner, as soon as practicable, any evidence of criminal or fraudulent activity discovered.

Receiver's Required Reports

The receiver must report to the commissioner periodically on his or her activities; the school district's financial condition; his or her recommendations on further state involvement in the school district's operations, including changes to the act's provisions; and other topics the commissioner requires. The reports must be provided on a schedule and in a form the commissioner prescribes. The commissioner must provide copies of all the reports to SBE and the Winchester Board of Education.

Receiver's Term and Staff

The receiver's term expires two years from the date of appointment, although SBE may extend the receiver's term for up to two additional years. The receiver can, with the commissioner's approval, hire up to two other people to assist him or her in exercising the receiver's duties. The additional staff will report to the receiver, serve at his or her pleasure, and be paid by SDE.

Board of Advisors

The act creates a seven-member board of advisors for the Winchester school district appointed by the education commissioner. The board must provide advice to the receiver on the performance of his or her duties and responsibilities.

At least three board members must be Winchester residents. Employees of the town of Winchester or the school district, or any of their immediate family members, may not serve on the board.

Repayment Agreement and Repayment Waiver Process

The commissioner must enter into a repayment agreement with the town of Winchester or the Winchester school district for reimbursement of any state overpayments of special education aid. The agreement applies to state aid provided from FYs 13 to 15.

The agreement must (1) be in writing and (2) require the first payment to SDE, or adjustment to future SDE payments to the school district, be received or debited on or before April 30, 2016 and the balance paid on or before April 30, 2020. The act waives the state law that requires that state education aid overpayments be paid back in the immediate two fiscal years after the overpayment is discovered.

Under the act, the town of Winchester may apply for a waiver of repayment if it meets criteria established by the commissioner and demonstrates (1) significant improvement in the school district's fiscal and financial practices and (2) that structural changes ensure the district is properly handling taxpayer funds. The application must be in a form prescribed by the commissioner. Waiver approval requires a recommendation from the commissioner and a majority vote by SBE.

The act specifies that the receiver does not have authority over the obligation of the town to pay the state back for any special education overpayments.

Winchester and the Commissioner's Network of Schools

The act adds all Winchester public schools to the commissioner's network of schools for the 2016-17 and 2017-18 school years. To do this, the act exempts these schools from the statutory criteria for the network program, which includes the commissioner selecting schools based primarily on low academic performance. The network of schools program authorizes the commissioner to make interventions at low-performing schools that are tailored to suit the individual school's situation.

EFFECTIVE DATE: July 1, 2015

§ 306 — PERMANENT CAP ON PRIORITY SCHOOL DISTRICT (PSD) GRANTS

The act requires that state grants to PSDs be proportionately reduced if the state appropriation for them does not match the amount of the grants payable to districts under the PSD law. The state provides these grants to help improve student achievement and enhance educational opportunities.

EFFECTIVE DATE: July 1, 2015

§§ 307-322 & 343 — SHEFF SETTLEMENT AND MAGNET SCHOOL PROVISIONS

The act (1) makes a number of changes to conform the education statutes with the 2015 *Sheff v. O'Neill* settlement agreement and (2) renews certain existing provisions for FYs 16 and 17. *Sheff* is the landmark school desegregation case in which the state Supreme Court ruled that Hartford school children were not being given an equal educational opportunity because of racial and economic segregation (238 Conn. 1 (1996)). Settlement agreements subsequent to the *Sheff* decision rely on voluntary desegregation methods with towns in the *Sheff* region.

The region encompasses Hartford and its surrounding towns: Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington, Glastonbury, Granby, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

EFFECTIVE DATE: July 1, 2015

§§ 307 & 311 – Renewing Certain Magnet School Grant Laws

The act renews, without change, the following *Sheff* magnet school provisions for FYs 16 and 17:

1. the \$13,054 per-student grant that all *Sheff* host magnets (a magnet school operated by, and is part of, the district it is located in) receive for out-of-district students;
2. the ban on host magnets charging tuition for out-of-district students attending preschool or kindergarten through grade 12 (except for the Great Path Magnet School that Hartford operates); and
3. the \$2,000 per-student transportation grant for *Sheff* magnet schools.

§ 307 – Magnet School Grants

The act changes the per-student grant for non-host *Sheff* interdistrict magnet schools (those operated by RESCs, colleges, and other entities approved by the education commissioner) for FYs 16 and 17 and each following year. Under prior law, if a school enrolled less than 60% of its students from Hartford, it received a per-student grant of \$10,443. The act (1) extends the \$10,443 grant through FYs 16 and 17 and (2) creates a second tier with a lower per-student grant when a school enrolls less than 50% of its students from Hartford.

The per-student grant for the new tier is:

1. \$7,900 for half of the total number of non-Hartford students enrolled at the school over 50% of the total enrollment, and
2. \$10,443 for all the remaining non-Hartford students and all Hartford students at the school.

§ 307 – Grant Payments and Payment Schedule for Magnet Schools Operated by Independent Colleges or Universities

Under prior law, a magnet school that used a trimester school calendar and was operated by an independent college or university was eligible for the same per-student state magnet school grant (\$10,443) as other *Sheff* magnets. (The Goodwin College Senior Academy magnet school appears to be the only one affected.)

Under prior law, a student must have been enrolled for at least two of three trimesters for the school to receive the grant. The act instead makes the school eligible for grants if it enrolls students on at least a half-time basis as follows:

1. students enrolled for at least two semesters a year make the school eligible for a grant equal to 65% of the grant for a *Sheff* magnet, or
2. students enrolled for at least one semester a year make the school eligible for a grant equal to 32.5% of the grant for a *Sheff* magnet.

In addition, the act applies the new per-student grant method described above regarding schools with less than 50% of their students from Hartford. This means that when these schools have less than 50% of their students from Hartford, they will have grants determined using the two-tiered method with a per-student grant of either \$7,900 or \$10,443. Then, depending upon whether the student attends for one or two semesters, the semester percentages will be applied.

Lastly, the act also changes the payment schedule from the state to the school from three payments a year to two. Under the act, the two payments are: (1) 50% of the grant by September 1, based on estimated enrollment for the first semester on September 1, and (2) the remaining 50% no later than May 1, based on student enrollment for the second semester as of February 1.

The May payment must be adjusted to reflect actual enrollment in the magnet school for those who have been enrolled for (1) at least two semesters of the school year or (2) for only one semester.

§ 307 – Greater Hartford Academy of the Arts & Greater Hartford Academy of Mathematics and Science

The act establishes specific per-student grant levels for two half-time magnet school academies administered by the Capitol Region Education Council (CREC).

For the Greater Hartford Academy of Arts, the act establishes a per-pupil grant of 65% of the standard RESC magnet grant (\$7,900) when less than 55% of the students are from a single town. This results in a grant of \$5,135 per student for FY 16 and each following year.

For the Greater Hartford Academy of Mathematics and Science, the act phases out per-student magnet school grants over a three-year period. It provides a \$6,787 per-student grant as follows:

1. FY 16, students in grades 10 to 12;
2. FY 17, students in grades 11 and 12; and
3. FY 18, students in grade 12.

The act specifies that the math and science academy is not eligible for any additional grants under the magnet school grant law.

§§ 307 & 343 – Cap on East Hartford Magnet School Tuition Payments

The act places a cap on the amount of tuition the East Hartford school district must pay during FYs 16 and 17 to magnet schools if more than 7% of the district's student population attends magnet schools. For any number of students beyond the 7% threshold, the district is not responsible for the first \$4,400 of tuition.

Under the act, SDE, within available appropriations, is financially responsible for any loss of tuition to the magnet school, subject to possible proportionate reductions if the total of the tuition recovery payments exceeds the amount appropriated for that purpose. The act earmarks \$220,818 of SDE's magnet school budget in FYs 16 and 17 to defray interdistrict magnet school tuition costs charged to East Hartford.

§ 308 – Renzulli Academy Grant and Enrollment Policy

The act ends the annual grant of up to \$250,000 to the Hartford school district for the Renzulli Gifted and Talented Academy. It also repeals the provision allowing students from outside of Hartford to apply for admission at Renzulli.

§ 313 – School Construction for Three Hartford Schools

The act provides for a higher school construction state reimbursement, 95% of eligible costs instead of 80%, for new construction for three Hartford magnet schools:

1. Montessori Magnet at Moylan School,
2. Hartford Prekindergarten Magnet School, and
3. Betances STEM Magnet School.

The act allows for the higher reimbursement rate in either of two scenarios, both in FY 16: (1) CREC uses the 95% reimbursement rate to construct the schools on behalf of, and under a written agreement with, Hartford or (2) Hartford uses the 95% rate and constructs the schools without a partnership with CREC. In either scenario, Hartford is responsible for the local cost share and any project costs that are ineligible for state reimbursement.

The agreement between Hartford and CREC, if there is one, must outline the roles and responsibilities of the two parties and be approved by the education commissioner.

§ 322 – Magnet Enrollment Compliance Plan for Noncompliant Schools

The act permits a magnet school that is not compliant with the racial enrollment requirements for magnet schools and is not assisting the state in the integration goals of the *Sheff* court decision and consequent stipulation to continue to be eligible for magnet school operating grants if the (1) school submits a compliance plan to the education commissioner and (2) commissioner approves the plan.

Magnet schools are, by law, designed to create racial integration. A school's student body must be at least 25%, but no more than 75%, racial minorities. Furthermore, no school district participating in the magnet school can provide more than 75% of the enrolled students.

§ 307 — PRIORITIZATION FOR ADDITIONAL MAGNET SCHOOL SEATS

Prior law allowed SDE to limit payments to a magnet school to an amount the school was eligible to receive based on its enrollment level on October 1, 2013. It permitted SDE to prioritize additional magnet school funding in the following order:

1. increases in enrollment for a school adding planned new grade levels;
2. increases in enrollment for a school moving into a permanent facility for the school year starting July 1, 2014;
3. increases in enrollment for a school to ensure compliance with the state magnet school law's requirements for racial and economic diversity, special curriculum, and at least a half-time educational program; and
4. new enrollments for a new magnet school starting operation on or after July 1, 2014, to help meet the 2013 *Sheff* stipulation.

The act extends this mechanism for FYs 16 and 17 and adds specificity to the criterion about planned new grade levels. It specifies planned new grade levels are for (1) the 2015-16 and 2016-17 school years and (2) the 2014-15 school year and funded during FY 15. Also, for the permanent facility criterion, the act specifies that the move must occur during the 2014-15 to 2016-17 school years.

EFFECTIVE DATE: July 1, 2015

§ 307 — STATEWIDE MAGNET SCHOOL PLAN

The act requires the education commissioner to send the comprehensive statewide plan for interdistrict magnet schools to the Appropriations Committee in addition to the Education Committee. PA 15-177 requires the commissioner to submit the plan by October 1, 2016.

By law, the commissioner cannot accept applications for grants to establish new magnet schools outside the *Sheff* region until this plan is developed.

EFFECTIVE DATE: July 1, 2015

§§ 307 & 314 — MAGNET PRESCHOOL TUITION

The act requires, beginning with FY 16 and for each following fiscal year, a RESC operating a preschool magnet school program to charge tuition of up to \$4,053 to the parent or guardian of an enrolled student. It prohibits a RESC from charging tuition if the child's family income is less than or equal to 75% of the state median income. The act makes SDE, within available appropriations, financially responsible for any tuition that is unpaid by families meeting this criterion.

Under prior law, (1) a RESC was permitted, but not required, to charge tuition on a sliding scale based on the income of the parent or guardian, and (2) the tuition was capped at the difference between the per student cost to run the preschool program and the amount of per-student state aid the school received.

EFFECTIVE DATE: July 1, 2015

§§ 323 & 465 — OEC EXEMPTIONS FROM CLASSIFIED SERVICE

The act exempts OEC's professional and managerial employees from the state employee classified service. By law, positions exempt from the classified service are not subject to civil service exam requirements and other hiring and promotion procedures. (Sections 323 and 465 in the act are identical provisions.)

EFFECTIVE DATE: July 1, 2015

§ 324 — SCHOOL READINESS PROGRAM GRANTS

For FY 15 and beyond, the act increases the maximum per-pupil school readiness program grant by \$257, from \$8,670 to \$8,927. School readiness programs are open to children ages three through five who are too young or not ready to enroll in kindergarten.

EFFECTIVE DATE: July 1, 2015

§ 325 — EARLY HEAD START PROGRAM

The act expands the purpose of the OEC commissioner's competitive grant program for Head Start grantees to include Early Head Start initiatives. Specifically, the act requires that this grant program, designed for nonprofit agencies and local and regional boards of education that are federal Head Start grantees, assist with increasing the:

1. number of children served in programs that are both a Head Start program and Early Head Start grantee or delegate,
2. number of Early Head Start children served above those who are federally funded, and
3. hours for children currently receiving Early Head Start services.

Additionally, it requires the commissioner's existing Head Start advisory committee to expand its advisory duties to include the coordination, priorities for allocation and distribution, and utilization of Early Head Start funds.

Early Head Start provides child development and family support services to low-income infants, toddlers, pregnant women, and their families.

EFFECTIVE DATE: July 1, 2015

§§ 326-333 — MEASURES FOR CALCULATING SCHOOL AND DISTRICT PERFORMANCE

The act creates alternative measures for SDE to use when calculating school and district performance. Under prior law, these calculations were based on the weighted sum of school or district statewide mastery test scores for specific subject areas, known as a “school performance index” (SPI) and “district performance index” (DPI). Beginning with the 2015-16 school year, the act replaces SPI and DPI calculations with new measures known as an “accountability index” (AI) and a “performance index” (PI).

The act does not identify formulas for using AI and PI measures to calculate school performance. Instead, it requires SDE to report to the Education Committee by January 1, 2016 to explain and compare the formulas and scores of the SPI, DPI, AI, and PI.

The act requires SDE to revise several of its required performance calculations and reports to reflect the shift from using SPI and DPI to PI beginning in the 2015-16 school year. It also prohibits local charter schools from holding an enrollment lottery if the school is among the bottom 5% of schools when ranked highest to lowest in AI rather than SPI.

The act also (1) redefines the terms “mastery test data of record” and “educational reform district,” (2) extends the timeframe for withholding Education Cost Sharing (ECS) grant increases from alliance districts, and (3) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2015

Alternative Measures for Calculating School and District Performance

Under prior law, SDE calculated school and district performance using SPI and DPI, respectively. These indices measured performance by calculating the weighted sum of statewide mastery test scores for mathematics, reading, writing, and science. The act replaces these indices with AI and PI, which are not subject-specific, to measure school and district performance beginning with the 2015-16 school year. It also removes several school subject performance and district subject performance index terms and definitions that become obsolete upon use of AI and PI calculation measures (e.g., “school subject performance index for mathematics” and “district subject performance index for mathematics,” among others).

Accountability Index

Under the act, AI refers to the score resulting from multiple student, school, or district-level measures, as weighted by SDE, which must include (1) PI (see below) and (2) high school graduation rates. Additional

AI measures may include the following:

1. academic growth over time,
2. attendance and chronic absenteeism,
3. postsecondary education and career readiness,
4. enrollment in and graduation from higher education institutions and postsecondary education programs,
5. civic and arts education, and
6. physical fitness.

The act does not contain a formula that uses these measures to calculate an AI score for schools or districts.

Performance Index

Under the act, PI refers to the score, as calculated by SDE, using the mastery test data of record assigned to student subgroups, schools, or districts. The act does not contain a formula that uses these measures to calculate a PI for schools or districts.

Explanatory Report

The act requires SDE to report to the Education Committee by January 1, 2016 to explain and compare the formulas and scores of the SPI, DPI, AI, and PI. The report must include:

1. an explanation of all four indices’ formulas and data weighting,
2. data categories used to compute these indices,
3. the four index scores for each school district and a comparison of these scores, and
4. an explanation for why AI and PI scores differ from SPI and DPI scores.

Alliance District Performance Calculations

In general, an alliance district is a school district in a town that is among the state’s lowest academic performers. The act requires that, beginning with the 2015-16 school year, towns’ and alliance districts’ performance be measured by AI rather than DPI. By law, SDE must use data in the calculation from (1) each school under the jurisdiction of the alliance district’s board of education and (2) any state or local charter school located in the alliance district, as long as the board of education and charter school have a mutual agreement to do so.

Statewide Performance Management and Support Plan

Prior law required SDE to annually prepare a statewide performance management and support plan to (1) classify districts in need of improvement, (2) classify schools into one of five categories, and (3) identify “focus schools” with a low-performing

subgroup of students. Beginning with the 2015-16 school year, the act requires the plan to classify schools into five categories based on their AI rather than their SPI.

The act alters the definitions of each of the five categories so that they are (1) based upon AI, rather than SPI, and (2) no longer based upon changes in SPI over time, growth in student achievement as measured by standardized assessments, and high school graduation and dropout rates.

It also changes the definition of “focus schools.” Under prior law, the term referred to schools with a low-performing subgroup of students using aggregate measures of student academic achievement and growth. Instead, the act replaces this definition by referring to the U.S. Department of Education’s broader definition in its ESEA Flexibility policy document updated June 7, 2012 (see *Background – Focus Schools Under ESEA Flexibility Policy*).

Additionally, the act requires SDE to make corresponding changes to its annual publishing and posting of the plan on its website. Prior law required the department to publish and post (1) a list of schools ranked highest to lowest in SPI scores, (2) a description of the formula and manner in which each school’s SPI was calculated, and (3) alternative versions of the formula used to calculate SPI at grade levels other than elementary grade levels. The act requires that these postings use AI rather than SPI.

Commissioner’s Network Reports

By law, the education commissioner must annually report to the Education Committee (1) on the academic performance of each school participating in the commissioner’s network and (2) a comparison and analysis of all the schools participating in the network.

For both reports, prior law required the commissioner to include the SPI for each school in the network. The act instead requires her to include (1) each school’s AI, rather than SPI, score and (2) trends for AI, rather than SPI, scores during the period that the school is participating in the network.

Mastery Test Data of Record

The act broadens “mastery test data of record” to include the mastery test data available after the annual statewide mastery tests are administered. Prior law limited the data of record to data available after December 31 following the exam administration.

By law, a local or regional board of education may request that SDE adjust its mastery test data of record. The act shortens the timeframe by which the board may make this request from November 30 after the test administration to August 30.

Educational Reform District

The act redefines “educational reform district” to refer to a school district in a town that has one of the 10 lowest AI, rather than DPI, scores when all towns are ranked highest to lowest based upon these scores. These districts are eligible for various targeted grants and services to address educational needs.

Alliance District Funds

Prior law required the state comptroller to withhold any ECS grant increase over the FY 12 amount that is payable to an alliance district through FY 15. The act extends this holdback requirement through FY 17; therefore, any ECS increase over FY 12 must be transferred to the education commissioner.

Background – Focus Schools under ESEA Flexibility Policy

The ESEA Flexibility policy document, dated June 7, 2012, establishes the following criteria for designating schools as “focus schools”:

1. has the largest within-school gaps between the highest-achieving subgroups and the lowest-achieving subgroups or, at the high school level, has the largest within-school gaps in the graduation rate;
2. has a subgroup or subgroups with low achievement or, at the high school level, a low graduation rate; or
3. is a Title I-participating high school that has a graduation rate less than 60% over a number of years and is not identified as a priority school.

§ 334 — ROGERS INTERNATIONAL SCHOOL OPERATING GRANT

The act waives, for FY 16, the statutory enrollment-based limits on magnet school student operating grants for Rogers International School in Stamford as the school expands into an additional location. Under existing law as amended by this act (§ 307), SDE (1) may limit the amount of per-pupil operating grants to a magnet school based on the school’s October 1, 2013 student enrollment and (2) must approve additional operating grant aid based on a ranked list of enrollment increase scenarios.

EFFECTIVE DATE: July 1, 2015

§§ 335 & 336 — PRIORITY SCHOOL DISTRICT GRANT TO NORWALK

For FY 15 only, the act increases by \$250,000, from \$2,020,000 to \$2,270,000, the additional statutory grant provided annually under the PSD grant program

for Norwalk (i.e., the municipality with the sixth-largest population in the state based on the 2010 Census). The act also makes the conforming change that up to \$250,000 of unexpended FY 15 PSD funds do not lapse and are available in FY 16 to Norwalk.

EFFECTIVE DATE: July 1, 2015

§ 337 — ADDITIONAL CHARTER SCHOOL SEATS

The act requires that some of the state budget appropriations to SDE for ECS grants in FYs 16 and 17 go towards funding additional seats at two charter schools — Common Ground High School (New Haven) and Highville Charter School (Hamden).

For Common Ground High School, the act earmarks \$495,000 in each year for FYs 16 and 17 to fund up to 45 seats. For Highville Charter School, the act earmarks \$440,000 in each of these years to fund up to 40 seats.

EFFECTIVE DATE: July 1, 2015

§§ 338 & 339 — BILINGUAL TEACHER CERTIFICATION

Temporary Certification

By law, SBE may grant one-year nonrenewable temporary certifications to applicants if they meet certain requirements (e.g., are certified to teach in another state and completed a year of successful teaching in that state in the year immediately preceding the application). Under the act, the SBE can extend a certificate in the bilingual education endorsement area for an additional two years if the applicant is employed by a local or regional board of education and teaching in a bilingual education program.

Certification

Under the act, an applicant for a bilingual teacher certification can qualify for certification without passing an oral competency test for English but must demonstrate oral and written competency in the language of instruction. It requires a showing of oral competency in the non-English language by an appropriate method specified by SDE. By law and unchanged by the act, applicants must pass written competency on English tests and the other language.

Under prior law, successful applicants were required to meet certification requirements in both (1) elementary or secondary (i.e., subject area expertise in the area they will teach) education and (2) bilingual education. The act instead requires that applicants meet the appropriate coursework requirements in (1) either elementary or secondary (subject area expertise) education and (2) bilingual education. The act allows

SBE to issue an endorsement in bilingual education when these criteria are met and the applicant passes SBE-approved examination requirements for bilingual education.

The act also removes obsolete language.

EFFECTIVE DATE: July 1, 2015

§ 340 — INTERNATIONAL TEACHER PERMIT

The law allows SBE to issue an international teacher's permit in teacher shortage areas to applicants who meet certain criteria, including holding a proper visa and a bachelor's degree or the equivalent. The act permits applicants who will be teaching as part of a bilingual education program to substitute, for the bachelor's degree requirement, completion of SBE-prescribed coursework or training to achieve proficiency deemed equivalent to a bachelor's degree.

An international teacher's permit is valid for one year and may be renewed once for an additional year. The permit must be requested by a local or regional board of education, which must attest to a plan for supervising the teacher. Shortage areas are teacher certification or endorsement areas for which SDE has documented a shortage of available teachers.

EFFECTIVE DATE: July 1, 2015

§ 341 — TEACHER EVALUATION REPORTS BY SUPERINTENDENTS

The act extends the deadline, from June 30 to September 15, for local and regional public school district superintendents to annually report to the education commissioner on the implementation status of the teacher evaluation and support program, including evaluation frequency, aggregate evaluation ratings, the number of unevaluated teachers, and any other topics SDE requires.

EFFECTIVE DATE: July 1, 2015

§ 342 — SCHOOL RESOURCE OFFICERS

PA 15-168 requires a local or regional school board that assigns a school resource officer to a school to enter into an MOU with the local police department or State Police that defines the officer's role and responsibilities. It defines a "school resource officer" as a local or state police officer who has been assigned to a school.

The act limits this definition to local police officers and eliminates the option of entering an MOU with the State Police. It also (1) requires, rather than allows, the MOU to include a graduated response model for student discipline and (2) makes minor and technical changes.

EFFECTIVE DATE: July 1, 2015

§ 344 — COSTS FOR THE MORGAN SCHOOL IN CLINTON

The act requires, regardless of school building project laws or SBE or Department of Administrative Services regulations, that costs associated with construction-related professional service fees relating to site acquisition for the construction and purchase of a site for the Morgan School in Clinton be reimbursed as eligible project costs, provided the costs do not exceed \$1.7 million.

EFFECTIVE DATE: Upon passage

§ 345 — TRANSFER OF CERTAIN DPH PROGRAMS TO THE INSURANCE FUND

The act transfers funding for the following DPH programs from the General Fund to the Insurance Fund:

1. needle and syringe exchange,
2. AIDS services,
3. breast and cervical cancer detection and treatment,
4. x-ray screening and tuberculosis care, and
5. venereal disease control.

By September 1 annually, the OPM secretary, in consultation with the DPH commissioner, must determine the amounts appropriated for the above listed programs and inform the insurance commissioner.

EFFECTIVE DATE: July 1, 2015

Public Health Fee

The act requires all domestic insurers and HMOs (“health carriers”) that conduct health insurance business in the state to annually pay the insurance commissioner a “public health fee” she assesses them. The fee must be deposited in the Insurance Fund. Under the act, “health insurance” applies to coverage for (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including coverage under an HMO plan.

Under the act, health carriers must annually report to the insurance commissioner the number of insured or enrolled lives in Connecticut as of May 1 immediately preceding the date for which the carrier is providing health insurance coverage. This number must exclude lives enrolled in Medicare or Medicare Advantage plans, DSS-administered medical assistance programs, or workers’ compensation insurance.

Health carriers must report this information by September 1 annually in a form and manner the commissioner prescribes.

The act requires the insurance commissioner, by November 1 annually, to determine each health carrier’s assessment for the current fiscal year. She must do so by

multiplying the number of reported lives by a factor she determines annually to fully fund the DPH programs’ appropriation.

The insurance commissioner, by December 1 annually, must provide each assessed health carrier a statement of its proposed public health fee. The carrier may object to the proposed fee by December 20. After making any necessary adjustments, the commissioner must provide a final assessment by January 1. The assessment must be paid to the department by February 1 annually. Any health carrier aggrieved by the assessment may appeal to Superior Court by March 1.

§ 346 — NEWBORN SCREENING PROGRAM FEE

The act increases, from \$56 to \$98, the minimum fee that DPH must charge hospitals for administering its newborn screening program.

By law, all health care institutions that care for newborn infants must test them for more than 40 genetic and metabolic diseases and conditions, such as phenylketonuria, HIV, and sickle cell disease. Screening occurs primarily through DPH’s newborn screening program. The law requires DPH to set a fee that covers all program expenses, including initial testing, tracking of infants, and treatment.

EFFECTIVE DATE: July 1, 2015

§§ 347-353 — BEHAVIORAL HEALTH AND AUTISM SPECTRUM DISORDER (ASD) SERVICES

The act:

1. expands certain individual and group health insurance policies’ required coverage of ASD services and treatment,
2. expands existing law’s group policy behavioral therapy coverage requirements for people with ASD and also applies it to individual policies,
3. eliminates maximum coverage limits on the Birth-To-Three program,
4. requires the developmental services commissioner to designate certain ASD services and treatments,
5. requires the insurance commissioner to convene a working group to develop recommendations on behavioral health data collection, and
6. makes technical changes by updating the names of certain reference compendia and making conforming changes (§ 352).

The coverage provisions apply to health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided through an HMO. Due to the

federal ERISA, state insurance benefit mandates do not apply to self-insured plans.

EFFECTIVE DATE: January 1, 2016, except for the DDS-designated effective treatment and the data collection working group provisions, which are effective upon passage, and certain technical changes, which are effective July 1, 2015.

§§ 347-351 – ASD Treatment and Services in Individual Policies

The act requires that individual policies conform to several coverage and limitation provisions that existing law requires of group policies regarding ASD-related services.

Covered Services. Prior law required that individual health insurance policies cover physical therapy, speech therapy, and occupational therapy services for individuals with ASD to the extent that such services were covered for other diseases and conditions under the policy. Under the act, individual policies must instead cover ASD diagnosis and treatment, including:

1. behavioral therapy (see below);
2. prescription drugs prescribed by a licensed physician, physician assistant, or advanced practice registered nurse to treat ASD symptoms and comorbidities, to the extent they are covered for other conditions under the policy;
3. direct (a) psychiatric or consultative services provided by a licensed psychiatrist and (b) psychological or consultative services provided by a licensed psychologist; and
4. physical therapy, speech and language pathology services, and occupational therapy provided by a licensed physical therapist, speech and language pathologist, or occupational therapist, respectively.

As is the case for group policies, the act requires that individual policies cover, for individuals with ASD, treatments that are:

1. medically necessary;
2. identified and ordered by a licensed physician, psychologist, or clinical social worker; and
3. in accordance with a treatment plan developed by a licensed physician, psychologist, or clinical social worker, pursuant to a comprehensive evaluation or reevaluation.

The act also allows, for group and individual policies, behavior analysts certified by the Behavior Analyst Certification Board to develop treatment plans.

As with group policies, the act specifies that ASD constitutes an illness for the purposes of applying the statutory definition of medical necessity. (Medical necessity is one criterion insurers use to make coverage determinations.)

Coverage Limitations and Prohibitions. As is the case for group policies, the act prohibits individual policies from:

1. limiting the number of visits an insured may make to an ASD provider pursuant to a treatment plan on any basis other than lack of medical necessity and
2. requiring coinsurance, copayments, deductibles, or other out-of-pocket expenses that place a greater financial burden on access to ASD diagnosis and treatment than the diagnosis and treatment of any other covered medical, surgical, or physical health condition.

The act prohibits insurers, HMOs, hospital or medical service corporations, and fraternal benefit societies from reviewing a treatment plan, in accordance with its utilization review requirements, more than once every six months unless the insured's licensed physician, psychologist, or clinical social worker agrees a more frequent review is necessary or changes the insured's treatment plan. Inpatient treatments and services are exempt from this provision.

The act requires that diagnoses be valid for at least one year unless the insured's licensed physician, psychologist, or clinical social worker determines a shorter period is appropriate or changes an insured's diagnosis.

The act specifies that coverage is subject to other general exclusions and limitations of individual health insurance policies, including coordination of benefits, participating provider requirements, restrictions on services provided by family or household members, and case management provisions.

The act also specifies coverage must not be construed to:

1. limit or affect any other covered benefits available (a) under the policy, (b) specific to mental and nervous conditions, or (c) through the Birth-To-Three program;
2. limit or affect any obligation (a) to provide services under an individualized education plan or (b) imposed on a public school by the federal Individuals With Disabilities Education Act; and
3. provide reimbursement for special education and related services unless required by state or federal law.

§§ 347 & 348 – Behavioral Therapy Coverage for People with ASD Under Group and Individual Health Insurance Policies

Prior law defined "behavioral therapy" under group policies as any interactive behavioral therapy derived from evidence-based research, including applied behavior analysis, cognitive behavioral therapy, and

other therapies supported by empirical evidence of their effectiveness in treating individuals with ASD. It consisted of therapy:

1. for children younger than age 15; and
2. provided or supervised by a (a) behavior analyst certified by the Behavior Analyst Certification Board, (b) licensed physician, or (c) licensed psychologist. (“Supervised by” is the face-to-face supervision of ASD services for at least one hour for each 10 hours of therapy the supervised individual provides.)

Such coverage could also be subject to a maximum yearly benefit based on the child’s age (e.g., \$50,000 for a child younger than age nine).

The act changes the definition of behavioral therapy by:

1. extending the age limit from age 15 to age 21 and
2. requiring therapy be consistent with the services and interventions designated by the DSS commissioner (see below).

The act also (1) repeals the yearly coverage limit for this therapy and (2) requires that individual policies cover it on the same terms as group policies.

§§ 349 & 350 – Coverage for Birth-to-Three Services in Individual and Group Health Insurance Policies

The act repeals coverage limits for Birth-to-Three program services. Prior law limited coverage to (1) \$6,400 per child, per year, up to \$19,200 total per child for the three years under group and individual policies, or (2) \$50,000 per child, per year, up to \$150,000 total per child for the three years for a child with ASD who is receiving early intervention services under group policies.

§ 351 – DDS Commissioner’s Designated Services and Interventions

The act requires the DDS commissioner, in consultation with the Autism Spectrum Disorder Advisory Council, to designate services and interventions that demonstrate, in accordance with medically established and research-based best practices, empirical effectiveness for treating ASD. The commissioner must update the designations periodically and whenever he deems it necessary to conform to changes generally recognized by the relevant medical community in evidence-based practices or research.

§ 353 – Insurance Department Data Collection Working Group

The act requires the insurance commissioner, by October 1, 2015, to convene a working group to develop

recommendations for uniformly collecting behavioral health utilization and quality measures data from:

1. state agencies that pay health care claims,
2. group hospitalization and medical and surgical plans established by the comptroller for state employees and certain other individuals,
3. the state medical assistance program, and
4. health insurance companies and HMOs that write health insurance policies and health care contracts in Connecticut.

The recommendations’ purposes must include protecting behavioral health parity for youth and other populations.

Members. The working group consists of the (1) healthcare advocate; (2) insurance, social services, public health, mental health and addiction services, children and families, and developmental services commissioners; and (3) comptroller, or any of their designees. It may also include representatives from health insurance companies or HMOs or any other members the insurance commissioner deems necessary and relevant to carry out the group’s duties.

Data Collection and Recommendations. The group must determine the data that should be collected for analyzing:

1. coverage for behavioral health services;
2. adequacy of coverage for behavioral health conditions, including ASD and substance use disorders;
3. the alignment of medical necessity criteria and utilization management procedures across the agencies, plans, programs, insurers, and HMOs from which data is collected;
4. the adequacy of health care provider networks;
5. the overall availability of behavioral health care providers in Connecticut;
6. the percentage of behavioral health care providers in Connecticut that are participating providers under (a) the group hospitalization and medical and surgical insurance plans established by the comptroller, (b) the state medical assistance program, (c) health insurance policies, and (d) health care contracts; and
7. the adequacy of services available for behavioral health conditions, including ASD and substance use disorders.

The working group’s recommendations may include data on:

1. per-member, per-month claim expenses;
2. the median length of a covered treatment for an entire course of treatment by levels of care;
3. utilization review outcome data grouped by levels of care, age categories, and levels of review;

4. the number of in-network and out-of-network health care providers by location and provider type;
5. health care provider network management data by location and provider type; and
6. health care provider network fluctuations, their causes, and the decisions insurers, HMOs, and state agencies make regarding the approval of providers to join a network.

By January 1, 2016, the insurance commissioner must submit the group's recommendations to the governor and Insurance and Real Estate, Human Services, Public Health, and Children's committees.

§ 354 — PRESCRIPTION DRUG MONITORING PROGRAM

Under the prescription drug monitoring program, DCP collects information on controlled substance prescriptions to prevent improper or illegal drug use or improper prescribing. By law, pharmacists and other controlled substance dispensers must generally report certain prescription information to DCP under the program, such as the dispensing date, dispenser identification and prescription numbers, and patient identifying information.

Under prior law, they had to report this information to the program at least weekly. Starting July 1, 2016, the act requires them to report to the program immediately after dispensing controlled substances but in no event more than 24 hours after doing so. Starting on that date, the act also requires that the information be submitted electronically in a DCP-approved format, eliminating the option of other DCP-approved methods of reporting by pharmacies or outpatient pharmacies that do not maintain electronic records.

As under existing law, these reporting requirements apply to (1) pharmacies; (2) nonresident pharmacies (i.e., out-of-state pharmacies that send prescription drugs into the state); (3) outpatient pharmacies in hospitals or institutions; and (4) practitioners who dispense controlled substances.

EFFECTIVE DATE: October 1, 2015

Background – Related Act

PA 15-198 (§ 5) makes various changes to the prescription drug monitoring program, such as requiring practitioners, before prescribing more than a 72-hour supply of a controlled substance, to check the patient's record in the program.

§ 355 — ACUTE CARE AND EMERGENCY BEHAVIORAL SERVICES GRANT PROGRAM

The act establishes a grant program in the Department of Mental Health and Addiction Services (DMHAS) to provide funds to organizations providing acute care and emergency behavioral health services.

The grants are for providing community-based behavioral health services, including (1) care coordination and (2) access to information on and referrals to available health care and social service programs. The commissioner must establish eligibility criteria and an application process.

EFFECTIVE DATE: July 1, 2015

§ 356 — PSYCHIATRIC SERVICES STUDY

The act requires the DMHAS commissioner to study the current adequacy of psychiatric services. She must do so in consultation with the children and families and social services commissioners and behavioral health providers, including hospitals and advocacy agencies.

The study must include:

1. a determination of how many short-term, intermediate, and long-term psychiatric beds are needed in each region of the state;
2. the average wait times for each type of bed;
3. the impact of wait times on people needing inpatient psychiatric services, their families, and providers of this type of care;
4. identification of public and private funding sources to maintain the necessary number of beds;
5. access to outpatient services, including wait times for initial appointments;
6. available housing options; and
7. access to alternatives to hospitalization, including peer-operated respite programs.

The DMHAS commissioner must report on this study to the Appropriations, Human Services, and Public Health committees by January 1, 2017. The report must include recommendations on:

1. expanding utilization criteria to increase access to acute, inpatient psychiatric services statewide;
2. increasing the number of available long-term, inpatient hospital beds for people with recurring needs for inpatient behavioral health services;
3. funding to increase the number of psychiatric beds;

4. placing additional psychiatric beds in health care facilities throughout the state; and
5. funding to increase alternatives to hospitalization, including access to outpatient services, housing, and peer-operated respite programs.

EFFECTIVE DATE: July 1, 2015

§§ 357 & 358 — BEHAVIORAL SERVICES PROGRAM

The act renames DDS's "Voluntary Services Program" as the "Behavioral Services Program" to reflect current practice. The program serves children and adolescents with intellectual disabilities and emotional, behavioral, or mental health needs.

EFFECTIVE DATE: July 1, 2015

§ 359 — STUDY OF COMMUNITY-BASED HEALTH CARE SERVICES

The act requires the DSS and DPH commissioners to study the effectiveness of providing community-based health care services in the state. They must submit a preliminary report on the study by February 1, 2016, and a final report by June 1, 2016, to the Human Services and Public Health committees.

The study must include at least a review of:

1. the health care needs of people who use the 9-1-1 system when the emergency department is not the most appropriate place for them to receive community-based health care services;
2. the feasibility of providing short-term follow-up home visits for people recently discharged from a hospital until other providers are able to provide home visits or other follow-up health care services;
3. the need for, and feasibility of, emergency medical services (EMS) personnel providing home visits to people at a high risk of being frequent, repeat users of the emergency department, to help them manage chronic diseases and adhere to medication plans;
4. the need to provide ancillary primary care services for populations in areas with high 9-1-1 use for nonemergency situations;
5. the current best practices in mobile integrated health care;
6. the scope of practice for EMS personnel;
7. practice guidelines for community-based health care services; and
8. Medicaid authority to cover these services.

EFFECTIVE DATE: Upon passage

§§ 360-366 — GENETIC COUNSELOR LICENSING

Subject to certain exemptions, the act requires that anyone practicing genetic counseling be licensed by DPH. The licensure application fee is \$315, and licenses may be renewed annually for \$190.

The act establishes licensure qualifications, application and renewal processes, and grounds for disciplinary action. It allows DPH to issue nonrenewable temporary permits under certain conditions. It also allows the commissioner to adopt regulations to implement genetic counselor licensing and specifies that no new regulatory board is established for genetic counselors.

Under the act, "genetic counseling" means providing services that address the physical and psychological issues associated with the occurrence or risk of a genetic disorder, birth defect, or genetically influenced condition or disease in an individual or family.

EFFECTIVE DATE: October 1, 2015, except the provisions on licensure applications, qualifications, and renewals are effective upon passage.

§ 361 – *Restrictions on Practice and Exceptions*

The act generally prohibits anyone without a genetic counselor license or temporary permit from (1) practicing genetic counseling or (2) using the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate"; the designation "LGC"; or any title, words, letters, abbreviations, or insignia that may reasonably be confused with genetic counselor licensure.

These restrictions do not apply to:

1. state-licensed physicians, physician assistants, advanced practice registered nurses, or nurse-midwives;
2. individuals who provide genetic counseling while acting within the scope of practice of their license and training, as long as they do not present themselves to the public as genetic counselors;
3. individuals employed by the federal government to provide genetic counseling; or
4. students enrolled in certain programs of which genetic counseling is an integral part, if they are performing genetic counseling under the direct supervision of a licensed genetic counselor or physician.

The exemption for students applies to those enrolled in a (1) genetic counseling program, (2) medical genetics program accredited by the American Board of Genetic Counseling or American Board of Medical Genetics and Genomics, or (3) graduate nursing or medical program in genetics.

§ 362 – License Applications, Qualifications, and Renewals

Starting October 1, 2015, the act requires the DPH commissioner to issue a genetic counselor license to any applicant who submits, on a DPH form, satisfactory evidence that he or she is certified as a genetic counselor by one of the national boards noted above.

As an alternative way to qualify, an applicant may submit satisfactory evidence that he or she, before October 1, 2015, (1) practiced genetic counseling for eight years, (2) earned a master's or doctoral degree in genetics or a related field from an accredited higher education institution, and (3) attended a continuing education program approved by the National Society of Genetic Counselors within five years of applying.

The act also allows for licensure by endorsement. Such an applicant must provide satisfactory evidence that he or she is licensed or certified as a genetic counselor (or as someone entitled to perform similar services under a different title) in another state or jurisdiction. That jurisdiction's requirements for practicing must be substantially similar to or greater than those in Connecticut, and there must be no pending disciplinary actions or unresolved complaints against the applicant in any state.

Licenses are subject to annual renewal. To renew, licensees must provide satisfactory evidence that they (1) are certified by either board noted above and (2) have completed continuing education as required for that certification. (Thus, all licensees must become nationally certified within a year of becoming licensed.)

§ 363 – Temporary Permits

The act allows DPH to issue nonrenewable temporary permits to licensure applicants with at least a master's degree in genetic counseling or a related field. The permit allows them to practice under the general supervision of a licensed genetic counselor or physician and is valid for up to 365 calendar days after the person receives his or her degree.

The act prohibits DPH from issuing a temporary permit to someone against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state. It allows the commissioner to revoke a temporary permit for good cause, as she determines.

The temporary permit fee is \$50.

§ 364 – Enforcement and Disciplinary Action

The act allows the DPH commissioner to take disciplinary action against a genetic counselor for:

1. failing to conform to the accepted standards of the profession;

2. felony convictions;
3. fraud or deceit in obtaining or seeking reinstatement of a license or in the practice of genetic counseling;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness;
6. alcohol or substance abuse; or
7. willfully falsifying entries in any hospital, patient, or other genetic counseling record.

By law, disciplinary actions available to DPH include (1) revoking or suspending a license, (2) censuring the violator, (3) issuing a letter of reprimand, (4) placing the violator on probation, or (5) imposing a civil penalty (CGS § 19a-17). Under the act, the commissioner may also order a licensee to undergo a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is under investigation.

The act allows the commissioner to petition Hartford Superior Court to enforce any disciplinary action she takes. She must give the person notice and an opportunity to be heard before taking disciplinary action.

§ 367 — DPH AMBULANCE RATE-SETTING

The act allows the DPH commissioner to increase the maximum allowable rates she sets for licensed and certified ambulance services, effective on or before July 15, 2015. The act specifies that this does not otherwise alter the commissioner's existing statutory rate-setting authority for emergency medical services.

EFFECTIVE DATE: Upon passage

§ 368 — OMBUDSMAN PILOT PROGRAM

Prior law required the state long-term care ombudsman to, personally or through representatives of her office, implement and administer a pilot program serving home- and community-based care recipients in Hartford County. The act limits the program to within available appropriations.

EFFECTIVE DATE: July 1, 2015

§ 369 — SERVICES FOR BLIND AND VISUALLY IMPAIRED

The law allows the Department of Rehabilitation Services (DORS), within available appropriations, to employ certified teachers of the visually impaired to fulfill requests from school districts. Prior law allowed funds appropriated for this purpose to be used to employ rehabilitation teachers, rehabilitation technologists, and orientation and mobility teachers to evaluate and train

blind or visually impaired children. The act instead allows DORS to use the funds to employ any type of additional staff. The act also removes a cap on using only 5% of funds for these purposes to employ special assistants to the blind and other support staff needed to efficiently deliver services.

Under prior law, DORS had to estimate the funding needed to pay the teachers' salaries, benefits, and related expenses. The act removes benefits from this calculation.

EFFECTIVE DATE: July 1, 2015

§ 370 — DECREASE IN ELIGIBILITY FOR HUSKY

A

By law, DSS provides Medicaid coverage to children younger than age 19 and their parents or caretaker relatives through HUSKY A. Under prior law, the income limit for this program was 196% of the federal poverty level (FPL) (\$39,376 for a family of three). The act reduces HUSKY A coverage by lowering the income limit for non-pregnant adults (i.e., parents or caretaker relatives) to 150% FPL (\$30,135 for a family of three).

Federal law requires state agencies to include a 5% income disregard when making certain Medicaid eligibility determinations. Under the act and including this disregard, the HUSKY A income limit for parents and caretaker relatives in a family of three is effectively \$31,140.

EFFECTIVE DATE: August 1, 2015

§ 371 — TRANSITION FROM HUSKY TO EXCHANGE

Under the act, before terminating coverage for a parent or needy caretaker relative who, beginning August 1, 2015, loses eligibility for Medicaid, DSS must review whether the person remains eligible for Medicaid under his or her current coverage category or a different category.

The act requires the DSS commissioner and the Connecticut Health Insurance Exchange (HIX) to ensure that parents or needy caretaker relatives who lose Medicaid eligibility are given an opportunity to enroll in a qualified health plan (QHP) without a gap in coverage. HIX must enlist the assistance of health and social services community-based organizations to contact and advise those individuals of health insurance coverage options.

Beginning November 1, 2015 and ending December 1, 2017, the act requires DSS and HIX to report quarterly to the Council on Medical Assistance Program Oversight (MAPOC) on the number of parents and caretaker relatives who, due to the changes in Medicaid income eligibility effective August 1, 2015:

1. were no longer eligible for Medicaid,
2. remained eligible after DSS' review,
3. lost Medicaid coverage and enrolled in a QHP without a gap in coverage,
4. lost Medicaid coverage and did not enroll in a QHP immediately after such coverage loss, and
5. enrolled in a QHP but were disenrolled for failing to pay premiums.

EFFECTIVE DATE: Upon passage

§ 372 — MEDICAID INCOME ELIGIBILITY CONVERSION

The act adjusts the Medicaid income eligibility limit for pregnant women to reflect federal Affordable Care Act requirements and current DSS practice. It also eliminates an obsolete requirement.

EFFECTIVE DATE: July 1, 2015

§§ 373 & 374 — HUSKY B COVERAGE

Under prior law, HUSKY B provided non-Medicaid health coverage for children in households with incomes of more than 196% of the FPL, requiring households (1) between 249% FPL and 318% FPL to pay for coverage on a sliding fee scale, (i.e., subsidized coverage) and (2) with more than 318% to pay full premium, (i.e., unsubsidized coverage). The act eliminates eligibility for unsubsidized HUSKY B coverage for children with household incomes of more than 318% FPL.

EFFECTIVE DATE: August 1, 2015

§ 375 — TEMPORARY FAMILY ASSISTANCE (TFA) AND STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) RATES

The act freezes payment standards for the DSS-administered TFA and SAGA cash assistance programs at the FY 15 rate for the next two fiscal years. It retains the existing formula for calculating increases for future years.

TFA provides temporary cash assistance to families that meet certain income and asset limits. In general, SAGA provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for any other cash assistance program, and are considered "transitional" or "unemployable."

EFFECTIVE DATE: July 1, 2015

§ 376 — STATE SUPPLEMENT PROGRAM (SSP) RATES

The law generally requires the DSS commissioner to annually increase payment standards (i.e., benefits) based on the consumer price index within certain

parameters. The act freezes SSP payment standards for the next two fiscal years (FYs 16 and 17).

Under SSP, DSS provides cash assistance to supplement federal Supplemental Security Income (SSI) payments. (An individual not receiving SSI may still qualify for SSP if his or her monthly Social Security, private pension, or veteran’s benefits are low.)

EFFECTIVE DATE: July 1, 2015

§§ 377 & 394 — NURSING HOME RATES

The act generally caps Medicaid reimbursement to nursing homes at FY 15 levels for the next two fiscal years. Facilities that would have been issued lower rates due to an interim rate status, change in allowable fair rent, or other agreement with DSS must receive the lower rate.

The act also extends for the next two fiscal years the commissioner’s authority, within available appropriations, to provide pro rata fair rent increases. At his discretion, this may include increases for facilities that have undergone a material change in circumstances related to fair rent additions or moveable equipment placed in service in their 2014 and 2015 cost reports and not otherwise included in their issued rates.

EFFECTIVE DATE: July 1, 2015, except for the provision pertaining to the acuity-based reimbursement methodology (§ 394), which is effective upon passage.

Acuity-Based Reimbursement Methodology

The act additionally allows the DSS commissioner to implement an acuity-based methodology for Medicaid reimbursement of nursing home services. When developing the system, he must (1) review the skilled nursing facility prospective payment system developed by the federal Centers for Medicare and Medicaid Services (CMS), as well as other methodologies used nationally, and (2) consider recommendations from the nursing home industry.

The commissioner may implement policies as needed to carry out the provisions on the new methodology while in the process of adopting the policies as regulations, as long as he posts them on the eRegulations system and the DSS website before doing so.

§ 377 — FACILITY EMPLOYEE SALARY INCREASES

Starting July 1, 2015, the act requires DSS, within available appropriations, to adjust facility rates in accordance with standard accounting principles prescribed by the commissioner, for each nursing home, residential care home (RCH), and intermediate care

facility for individuals with intellectual disability (ICF-ID). The adjustment must provide a pro-rata increase based on direct and indirect employee salaries reported in the facility’s 2014 annual cost report, adjusted to reflect (1) subsequent salary increases and (2) reasonable costs (a) mandated by collective bargaining agreements with certified collective bargaining agents or (b) otherwise provided by the facility to its employees. Under the act, an “employee” for these purposes does not include:

1. a facility’s manager or chief administrator,
2. a person required to be licensed as a nursing home administrator, or
3. anyone who (a) receives compensation for services under a contract and (b) is not directly employed by the facility.

The act allows the commissioner to establish an upper limit for reasonable costs associated with salary adjustments beyond which the adjustment does not apply. The act specifies that it does not require the commissioner to distribute the adjustments in a way that jeopardizes anticipated federal reimbursement.

A facility that receives the adjustment but does not provide the required salary increases by July 31, 2015 may have its rate decreased by the adjusted amount. Of the total amount appropriated for these increases, up to \$9 million may go to increases based on reasonable costs mandated by collective bargaining agreements.

EFFECTIVE DATE: July 1, 2015

§ 378 — ICF-ID RATES

The act caps at FY 15 levels the rates DSS pays ICF-IDs (group homes) in FYs 16 and 17. But it allows for higher rates if (1) a capital improvement is made to a home during either year for the residents’ health or safety and DDS approved it, in consultation with DSS, and (2) funding is available. Under the act, homes that would have received lower rates in FY 16, FY 17, or succeeding fiscal years because of their interim rate status or some other agreement with DSS must receive a lower rate.

The act also extends DSS’ authority, for FYs 16 and 17, to pay a fair rent increase to an ICF-ID that has (1) undergone a material change in circumstances related to fair rent and (2) an approved certificate of need (CON) for the change.

EFFECTIVE DATE: July 1, 2015

§ 379 — DSS PAYMENTS TO BOARDING HOMES

For FY 16 and FY 17, the act freezes room and board rates paid by DSS at FY 15 levels for private residential facilities and similar facilities operated by regional educational service centers that provide vocational or functional services for individuals with

certain disabilities (non-ICF-ID boarding homes (see § 378)). Within available appropriations, the act allows rates to exceed the FY 15 level only for capital improvements (1) made in FY 16 or FY 17 for the health and safety of residents and (2) approved by DDS in consultation with DSS. The act also requires DSS to issue lower rates for FY 16 and any subsequent fiscal year because of an interim rate status, a change in allowable fair rent, or an agreement between DSS and the facility.

EFFECTIVE DATE: July 1, 2015

§ 380 — RESIDENTIAL CARE HOME (RCH) RATES

When DSS determines a facility's rate, fair rent is the amount that accounts for the facility's costs for property and other large assets.

Beginning with FY 16, the act requires DSS to provide fair rent reimbursement to RCHs at the greater of \$3.10 per day or the allowable accumulated fair rent reimbursement associated with real property additions and land as calculated daily.

Under law unchanged by the act, DSS must provide an additional reimbursement for additions placed in service after the 1996 cost year. It is unclear how the act affects those properties eligible for this additional reimbursement.

The act also caps at FY 15 levels the rates DSS pays RCHs in FYs 16 and 17 except that the commissioner may, at his discretion, provide proportional fair rent increases to facilities that have documented fair rent additions that (1) were placed in service during the 2014 and 2015 cost report years and (2) are not otherwise included in the issued rates. Additionally, starting in FY 16, any RCH that would have been issued a lower rate because of an interim rate status, change in allowable fair rent, or other agreement with DSS must receive the lower rate.

EFFECTIVE DATE: July 1, 2015

§ 381 — DSS REIMBURSEMENTS TO PHARMACIES

The act reduces the reimbursement DSS pays pharmacists for dispensing brand name drugs to DSS medical assistance (e.g., Medicaid) recipients. Under prior law, DSS paid the average wholesale price (AWP) of the drug minus 16%, plus a \$1.70 dispensing fee. Under the act, the reimbursement is reduced to the AWP minus 16.5%, plus a \$1.40 dispensing fee.

EFFECTIVE DATE: July 1, 2015

§ 382 — SUPPLEMENTAL INPATIENT POOL FOR LOW-COST HOSPITALS

Prior law required the DSS commissioner, within available appropriations, to establish a supplemental inpatient pool for low-cost hospitals. The act allows him, within available appropriations, to instead establish a supplemental inpatient pool for certain unspecified hospitals. Neither the act nor the law defines "supplemental inpatient pool."

EFFECTIVE DATE: July 1, 2015

§ 383 — CONNECTICUT HOME CARE PROGRAM FOR ELDERLY (CHCPE)

CHCPE provides home- and community-based services to frail elders as an alternative to nursing home care. The program has state- and Medicaid-funded components. By law, the state-funded component provides services to individuals who (1) are at least 65 years old, (2) are inappropriately institutionalized or at risk of inappropriate institutionalization, and (3) have income and assets within certain limits. For those who apply to the program in FY 16 and FY 17, the act further limits eligibility for the state-funded program to only those who (1) require a nursing home level of care or (2) live in affordable housing under the state's assisted living demonstration programs.

The act increases the required co-payment from 7% to 9% of the cost of care for participants in the state-funded portion of CHCPE who do not live in such affordable housing. By law, such participants with income over 200% FPL must also pay an amount of applied income determined by DSS.

By law, the asset limit for this program is (1) for single people, 150% of the minimum community spouse protected amount (CSPA) and (2) for married people, 200% of the minimum CSPA. The CSPA is the amount of assets the spouse of someone in a nursing home who applies for Medicaid may keep when his or her spouse becomes eligible for Medicaid. The act requires the minimum CSPA used to establish asset limits for the state-funded portion of the CHCPE to be the federal minimum instead of a minimum established in the DSS policy manual. (In practice, these are currently the same.)

EFFECTIVE DATE: July 1, 2015

§§ 384 & 385 — BURIAL EXPENSES FOR PUBLIC ASSISTANCE RECIPIENTS AND INDIGENT INDIVIDUALS

The act decreases, from \$1,800 to \$1,400, the maximum amount DSS pays toward funeral and burial expenses for someone on public assistance (including

TFA, SAGA, or SSP) or who is otherwise indigent. Under the law, this maximum amount is reduced by the amount the individual has in any revocable or irrevocable funeral fund, a prepaid funeral contract, or the face value of the person's life insurance. Other sources may contribute to the funeral and burial costs, but the law caps the amount others may contribute for a SAGA recipient or person who is otherwise indigent. The act increases this cap from \$2,800 to \$3,200.
EFFECTIVE DATE: July 1, 2015

§ 386 — MEDICARE PART D PRESCRIPTION DRUG CO-PAYMENTS

The act eliminates DSS's obligation to pay Medicare Part D prescription co-payments for those who are eligible for full Medicaid assistance and have Part D coverage (i.e., dually eligible). Under prior law, full benefit dually eligible individuals paid Part D prescription co-payments of up to \$15 per month, and DSS paid anything in excess of that amount.
EFFECTIVE DATE: July 1, 2015

§ 387 — MEDICATION ADMINISTRATION

The law permits a registered nurse to delegate to homemaker-home health aides who obtain medication administration certification the administration of medications that are not injected into patients, unless the prescribing physician specifies otherwise. Under the law, administration may not be delegated when the prescribing physician specifies that a nurse must administer the medication.

The act requires the DSS commissioner to monitor Medicaid home health savings that have been achieved by having homemaker home-health aides, instead of registered nurses, administer medication. If, by January 1, 2016, the commissioner determines that the savings are less than the amount assumed in the 2016-17 biennial budget, DSS may reduce home health care Medicaid rates for medication administration to the amount necessary to achieve the assumed savings. But before reducing the rate, the act requires the commissioner to report to the Appropriations and Human Services committees about provider-specific cost and utilization trend data for patients administered medication in their homes.

If DSS determines it must reduce the medication administration rates, it must examine the possibility of establishing a separate Medicaid supplemental rate or a pay-for-performance program for the providers, as determined by the commissioner, who have successfully delegated medication administration to homemaker-home health aides as described above.
EFFECTIVE DATE: July 1, 2015

§ 388 — EMERGENCY MEDICAL REIMBURSEMENT

By law, DSS must limit reimbursements to Medicaid providers for Medicare coinsurance and deductibles so that when combined with the Medicare payment, the providers receive no more than the maximum allowable under the Medicaid fee schedule. The act eliminates an exemption from this reimbursement limitation for payments to emergency medical services providers whose rates are set by the public health commissioner.
EFFECTIVE DATE: July 1, 2015

§ 389 — AMBULANCE REIMBURSEMENT RATES

By law, DSS sets reimbursement rates for ambulance transportation of Medicaid recipients. Beginning with FY 16, the act requires DSS, subject to federal approval and within available appropriations, to revise the Medicaid payment methodology for ambulance services to apply a relative value unit (RVU) system similar to the Medicare payment methodology. RVU assigns a numeric value for ambulance services relative to the value of a base level ambulance service. For example, under Medicare, non-emergency basic life support (BLS) transportation is the base unit and assigned an RVU of "1.00." Other ambulance reimbursement rates are determined in proportion to the BLS value (e.g., emergency advanced life support (ALS) services are assigned a value of 1.90).

Under the act, non-emergency BLS must be designated as the base unit and the following services must be assigned relative values: emergency BLS, non-emergency ALS, emergency ALS, and paramedic intercept services.

EFFECTIVE DATE: July 1, 2015

§ 390 — MEDICAID ORTHODONTURE COVERAGE

The act requires DSS to cover orthodontic services for a Medicaid recipient under age 21 when the Salzmann Handicapping Malocclusion Index (SHMI) indicates that the recipient's correct assessment score is 26 points or greater, subject to prior authorization requirements. (Prior to the act's passage, it was DSS' practice to generally cover such services when the SHMI score was 24 points or greater.) The SHMI measures malocclusion (i.e., teeth misalignment) by using weighted measurements of various factors, such as tooth spacing, overbite, and missing teeth.

If a recipient's SHMI score is less than 26 points, DSS must consider additional substantive information when determining the recipient's need for orthodontic services, including:

1. documentation of the presence of other severe deviations affecting oral facial structure and
2. the presence of severe mental, emotional, or behavioral problems or disturbances, as defined in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (currently the DSM-V), that affect daily functioning.

The act allows the commissioner to implement policies and procedures necessary to administer these provisions while adopting regulations, as long as he publishes notice of intent to adopt regulations on the eRegulations system within 20 days of implementation.
EFFECTIVE DATE: Upon passage

§ 391 — NURSING HOME BED MORATORIUM

The act indefinitely extends DSS' moratorium on accepting or approving requests for a certificate of need (CON) to add new nursing home beds. It removes DSS' ability to modify the capital costs of prior approvals. It also eliminates, modifies, and adds exemptions to the moratorium.

Under prior law, beds reserved solely for AIDS or traumatic brain injury patients were exempt from the moratorium. The act no longer exempts these but instead exempts beds for patients requiring neurological rehabilitation.

The law exempts from the moratorium Medicaid-certified beds relocated to new facilities to meet a priority need identified in the state's strategic plan to rebalance Medicaid long-term care supports and services. To maintain this exemption, the act additionally requires (1) at least one currently licensed facility to close as part of the relocation and (2) the new facility bed total to be at least 10% lower than the total number of relocated beds. The act eliminates a requirement that relocations to new or existing facilities result in a reduction in the number of nursing facility beds in the state but retains requirements that relocations or closures do not (1) adversely affect the availability of beds in the area of need and (2) result in an increase in state expenditures.

By law, Medicaid-certified beds relocated from one licensed nursing facility to another are exempt from the moratorium. Under the act, to be exempt, these beds must meet a priority need identified in the state's strategic plan to rebalance Medicaid long-term care supports and services.

The act eliminates exemptions from the moratorium for requests for:

1. Medicaid-certified beds relocated from a licensed nursing facility to a small house nursing home (though the act retains the exemption for relocating beds from one facility to another);

2. up to 20 beds from certain facilities that do not participate in Medicaid or Medicare;
3. up to 20 beds from certain freestanding facilities dedicated to providing hospice care services for terminally ill persons; and
4. up to 60 new or existing Medicaid certified beds relocated from a licensed nursing facility in a city with a 2004 estimated population of 125,000 to another location within that city.

The act also eliminates obsolete provisions pertaining to CONs in effect on August 1, 1991.
EFFECTIVE DATE: July 1, 2015

§ 392 — FACILITY CLOSURE RATE

The act allows the DSS commissioner, at his discretion, to revise the rate paid to a nursing home, RCH, or ICF-ID that is closing. An interim rate during the facility's closure must be based on (1) a review of the facility costs, (2) the expected duration of the close-down period, (3) the anticipated impact on Medicaid costs, (4) available appropriations, and (5) the relationship of the rate requested by the facility to the average Medicaid rate for a close-down period.
EFFECTIVE DATE: July 1, 2015

§ 393 — MEDICAID REIMBURSEMENT FOR HOSPITALS

The act changes requirements in how DSS reimburses hospitals for the services they provide to Medicaid recipients. It establishes a four-year time frame for DSS to broaden hospital-specific diagnosis related groups (DRG) used to calculate rates for acute care hospitals and children's hospitals. It also makes changes to the Medicare Ambulatory Payment Classification (MAPC) system used to calculate rates for outpatient and emergency room episodes of care.

It specifies how these rates should be calculated before DSS implements the modified MAPC system and limits how rates are calculated after implementation. The act also limits, to within available appropriations, several existing requirements concerning Medicaid reimbursement to hospitals.

Rates for Acute Care Hospitals

By law, DSS must base Medicaid rates for acute care hospitals and children's hospitals on DRGs. Such a system permits payment based on the severity of each patient's illness. By law, DSS must annually determine in-patient payments for each hospital by multiplying the DRG relative weights by a base rate. The act limits this requirement to within available appropriations.

The act establishes a four-year timeframe, beginning January 1, 2016, for DSS, within available appropriations and at the commissioner's discretion, to transition hospital-specific DRG base rates to statewide DRG base rates by peer groups. DSS determines the peer groups, which the act defines as groups of (1) privately operated acute care hospitals, which the DSS commissioner may subdivide into smaller peer groups at his discretion; (2) publicly operated acute care hospitals; or (3) acute care DPH-licensed children's hospitals.

Rates for Outpatient and Emergency Room Care

By law, DSS must pay hospitals for outpatient and emergency room episodes of care based on prospective rates that the DSS commissioner establishes in accordance with the MAPC system, in conjunction with a state conversion factor. The act (1) excludes publicly operated psychiatric hospitals from this requirement and (2) requires DSS to pay such rates for all other hospitals within available appropriations.

The act makes changes to the MAPC and includes language addressing rates both before and after the changes. The act changes how DSS must modify the MAPC system to provide payment for services the system generally does not cover. Prior law required the MAPC system to be modified to cover at least services including pediatric, obstetric, neonatal, and perinatal services. The act instead requires the system to be augmented to cover at least services including mammograms; durable medical equipment; and physical, occupational, and speech therapy.

Prior to implementation of the modified MAPC system, the act requires DSS to base each hospital's charges on the "charge master" in effect on June 1, 2015. Generally, a charge master is a list of pricing information for procedures and other products hospitals can provide to patients. After implementation of the MAPC system, the act limits annual aggregate increases in each hospital's charge master to the annual increase in the Medicare economic index.

Under prior law, for those outpatient hospital services that lack an established MAPC code, DSS had to base payment on a ratio of cost to charges, or the fixed fee in effect as of January 1, 2013. The act instead requires, beginning when the MAPC system is implemented, DSS to pay for such services in accordance with a fee schedule or an alternative payment methodology determined by DSS.

Other Rate Provisions

Under the act, DSS is not required to increase paid or set rates to any hospital based on inflation, including any current payments or adjustments based on dates of service in previous years.

By law, DSS sets rates for freestanding chronic disease hospitals. The act requires DSS to do so within available appropriations. Until the DRG payment system is in place, the law requires DSS to set rates for hospitals receiving state funding and freestanding chronic disease hospitals based on the lesser of (1) the reasonable cost to such hospital or (2) the charge to the general public for ward services, or for hospitals with no ward facilities, the lowest charge the hospital imposes for semi-private services. The act maintains this requirement but requires DSS to promulgate such rates within available appropriations.

The law also requires DSS to set rates for:

1. the cost of special services rendered by acute care hospitals based on the reasonable cost to each hospital of providing special services to state patients and
2. outpatient clinic and emergency room visits to acute care hospitals until the DRG payment system is in place.

The act requires DSS to set or adjust all of these rates within available appropriations. By law, DSS may adjust the payment rate for hospitals for the year in which they furnish services to reflect fluctuations in hospital costs.

EFFECTIVE DATE: July 1, 2015

§§ 395-398 — ELIMINATION OF INTENSIVE CASE MANAGEMENT REQUIREMENTS IN MEDICAID

The act eliminates all requirements related to the provision of intensive case management services (ICM) to certain Medicaid recipients. DSS, DCF, and DMHAS contract with administrative service organizations (ASOs) to administer medical and behavioral health services for people who receive assistance under HUSKY Health. The act eliminates provisions requiring these ASOs, beginning July 1, 2016, to also provide ICM services that include, among other things:

1. identifying hospital emergency departments with high numbers of "frequent users" (i.e., Medicaid clients with at least 10 annual emergency department visits);
2. creating regional ICM teams to work with emergency department doctors; and
3. assigning at least one ICM team staff member to participating emergency departments during hours of highest use.

It also eliminates requirements that ASOs with access to complete client claim adjudicated history, beginning July 1, 2016, annually analyze Medicaid clients' use of hospital emergency departments and report on such use to DSS and the Council on Medical Assistance Program Oversight. The act eliminates DSS' obligation to use the report to monitor ASO performance.

The act also removes a requirement that DSS ensure that contracts with a medical ASO include provisions requiring the ASO to:

1. assess primary care doctors and specialists to determine how easily a patient can access services;
2. inform Medicaid clients about, and connect them to, primary care providers; and
3. arrange primary care provider visits for frequent emergency department users after they visit an emergency department.

The act instead allows DSS to contract with the behavioral health ASO to provide intensive care management, a term the act does not define. In practice, DSS defines this term as various services using licensed care managers to help people with complex health care needs better understand and manage their care. By law, contracts with the medical ASO must include a provision to reduce inappropriate use of hospital emergency department services. The act allows this provision to include intensive care management. Prior law required DSS and DMHAS, in consultation with OPM, to ensure submission of eligible expenditures for intensive case management to the federal Centers for Medicare and Medicaid Services for Medicaid reimbursement. The act eliminates this requirement and instead requires submission of eligible expenditures for intensive care management.

EFFECTIVE DATE: July 1, 2016

§ 399 — PRESCRIPTION REIMBURSEMENT

By law, DSS must reimburse providers for all prescription drugs provided under DSS' medical assistance programs and pay licensed pharmacies a professional fee for each prescription dispensed. For otherwise eligible prescriptions, the act requires DSS to pay for the original prescription and any refills a licensed authorized practitioner orders within 12 months. The act specifies that DSS must pay a professional license fee for each approved refill.

The act excludes from its requirements prescription drugs that are (1) schedule III or IV controlled substances and (2) not dispensed directly by a practitioner (other than a pharmacy). By law, unless they are renewed by the practitioner, prescriptions for such drugs may not be (1) filled or refilled after six months of the date of the prescription or (2) refilled more than five times.

EFFECTIVE DATE: August 1, 2015

§ 400 — MEDICAID PROVIDER AUDITS

The act makes several changes in the DSS Medicaid provider audit process.

Principally, it:

1. modifies the circumstances in which DSS can determine over- or under-payment by extrapolating audited provider claims;
2. prohibits DSS from extrapolating an overpayment or attempting to recover an extrapolated overpayment beyond the payment's original dollar amount if the provider presents credible evidence that a DSS error caused the overpayment;
3. allows providers aggrieved by an audit finding to request a contested case hearing under the Uniform Administrative Procedure Act (UAPA), instead of a review by a DSS designee as under prior law;
4. prohibits DSS from recouping a contested provider overpayment based on extrapolation until a final decision is issued;
5. requires DSS to give providers that will be audited (a) written notification of the statistically valid sampling and extrapolation methodology (SVSEM) the auditors will use and (b) additional information at the start of the audit;
6. eliminates a requirement that DSS adopt regulations pertaining to its provider audit practices and include a copy of these regulations with the provider's audit notification; and
7. requires DSS, by January 1, 2016, to establish audit protocols for homemaker companion services. (The law already requires DSS to adopt such protocols for various other providers and services.)

The act also makes technical and conforming changes.

Extrapolation

Use in Audits. By law, extrapolation means determining an unknown value by projecting the results of a review of a sample of claims to the entire population of claims from which the sample was drawn.

Prior law prohibited DSS from finding that an overpayment or underpayment was made to a provider based on extrapolated projections unless (1) the provider had a sustained or high level of payment errors, (2) documented educational intervention had failed to correct the error levels, or (3) the aggregate claims' value exceeded \$200,000 annually.

The act instead prohibits DSS from making such findings based on extrapolation unless the total net amount of the extrapolated overpayment calculated from SVSEM exceeds 1.75% of total claims paid to the provider for the audit period.

Under the act, “SVSEM” means a methodology that (1) is validated by a statistician who has completed graduate work in statistics and has significant experience developing statistically valid samples and extrapolating the results of the samples on behalf of government entities, (2) provides for the exclusion of highly unusual claims that do not represent the universe of paid claims, (3) has a 95% confidence level or greater (i.e., at least a 95% probability that the result is reliable), and (4) includes stratified sampling when applicable. Stratified sampling is a sampling method that involves dividing a population into smaller groups based on shared attributes, characteristics, or similar paid claim amounts.

Assessment Based on Extrapolated Claims. By law, a provider must be allowed at least 30 days to provide documentation in connection with any discrepancy found in an audit and brought to the provider’s attention. The act specifies that the documentation may include evidence that errors concerning payment and billing resulted from a provider’s transition to a new payment or billing service or accounting system.

The act prohibits DSS from extrapolating an overpayment or attempting to recover an extrapolated overpayment if the provider presents credible evidence that a DSS error or an error by a DSS-contracted auditor caused the overpayment, but it allows DSS to recover the original overpayment amount.

Aggrieved Providers

Under prior law, a provider aggrieved by a decision in the final audit report could submit a written request for a review of all items of aggrievement. The act instead allows an aggrieved provider to submit a written request for a contested case hearing in accordance with the UAPA. When a provider requests such a hearing to contest an overpayment based on extrapolation, the act specifies that DSS cannot recoup the overpayment amount until a final decision is issued after a hearing. Like the review under prior law, the hearing must be presided over by an impartial DSS designee who is not an employee of (1) the department’s Office of Quality Assurance or (2) a DSS contracted auditor. As under prior law, a hearing decision can be appealed to court.

The act allows a provider, during the hearing, to claim that a negative audit finding was due to the provider’s compliance with a state or federal law or regulation. Following the hearing, the act requires the designee to issue a final decision within 90 days of the close of evidence or the date final briefs are filed, whichever is later.

Provider Notice

By law, DSS, at least 30 days before auditing a provider, must give the provider written notice of the audit unless DSS or a DSS-contracted auditor makes a good faith determination that (1) a recipient’s health or safety was at risk or (2) the provider was engaging in vendor fraud. The act requires the notice to also include the SVSEM to be used in the audit.

Additionally, at the start of the audit, the act requires DSS or the contracted auditor to disclose to the provider (1) the name and contact information of any assigned auditors; (2) the audit location, including whether the audit will be conducted on-site or through record submission; and (3) how to submit the requested information.

Claims Subject to Audit

Under the act, no audit can include claims paid more than 36 months before the date claims are selected for audit. A scanned copy of documents supporting a claim must be acceptable when original documents are unavailable.

Clerical Errors

By law, clerical errors discovered during an audit do not constitute a willful violation of program rules without other evidence. Prior law did not limit the errors that could be categorized as “clerical” but specified that they included recordkeeping, typographical, scrivener’s, or computer errors. Under the act, a clerical error is an unintentional typographical, scrivener’s, or computer error.

Prior law required DSS to provide free provider training on how to enter claims to avoid clerical errors. Under the act, the training is to avoid errors generally.
EFFECTIVE DATE: July 1, 2015

§ 401 — TWO-GENERATION PILOT PROGRAM

The act establishes a two-generation school readiness and workforce development pilot program, paid for with state and available private funds. An interagency working group consisting of various state agency officials and stakeholders oversees the program. The program operates through June 30, 2017 in the following six locations: Bridgeport, Colchester, Greater Hartford, Meriden, New Haven, and Norwalk. The pilot sites must work together as a learning community, informed by technical assistance in best practices.

The pilot program must (1) foster economic self-sufficiency in low-income households by delivering academic and job readiness support services across two generations in the same household and (2) serve as a blueprint for a statewide two-generation school readiness and workforce development model. It may also include opportunities for statewide learning in two-generation system building and policy development.

The working group must report to the Human Services and Appropriations committees by January 1, 2017.

Pilot Program Requirements

Under the act, the pilot program must include:

1. early learning programs, adult education, child care, housing, job training, transportation, financial literacy, and other related support services, offered at one location wherever possible and
2. a workforce liaison to gauge the needs of employers and households in each community and help coordinate the program to meet those needs.

It must also include partnerships between state and national philanthropic organizations, as available, to provide the pilot sites and interagency working group with technical assistance in phasing-in and designing (1) model two-generation programs and practices, (2) an evaluation plan, (3) statewide replication, and (4) program implementation.

Additionally, the program must develop a long-term plan to deliver its services statewide. The plan must include (1) the targeted use of temporary family assistance program funds, to the extent permissible under federal law, to support two-generation programming and (2) state grant incentives for private entities that develop this programming.

Interagency Working Group

Under the act, an interagency working group oversees the pilot program and consists of:

1. the correction, early childhood, education, housing, labor, public health, social services, and transportation commissioners, or their designees;
2. the chief court administrator, or his designee;
3. one member of the Appropriations Committee, appointed by the House speaker;
4. one member of the Human Services Committee, appointed by the Senate president pro tempore;

5. representatives of nonprofit and philanthropic organizations and scholars who are experts in two-generation programs and policies; and
6. other business and academic professionals needed to achieve goals for two-generation systems planning, evaluations, and outcomes.

The act does not specify how non-state officials are appointed.

The act requires the staff of the Commission on Children to serve as the working group's organizing and administrative staff.

The act requires coordinators of two-generation programs in each participating community and any organization serving as a fiduciary for the program to report quarterly to the working group.

Reporting Requirement

The act requires the interagency workgroup to report to the Human Services and Appropriations committees by January 1, 2017. The report must include:

1. the number of families the program served;
2. the number of children who have improved academically, including (a) achievement band increases and (b) improvements in reading comprehension and math literacy;
3. the number of adults who (a) received job training, completed job training, enrolled in educational courses, and obtained educational certificates or degrees and (b) obtained jobs since receiving program services;
4. the program's cost in both state and private funding; and
5. recommendations to expand the program to additional communities statewide.

EFFECTIVE DATE: July 1, 2015

§ 402 — COMMUNITY HEALTH CENTERS

The act appropriates \$517,500 in FY 16 to DSS for the Medicaid shared savings program for community health centers. The act specifies that the funds do not lapse at the fiscal year's end and must remain available for this purpose through FY 17.

The act also appropriates \$422,327 per year in FYs 16 and 17 to the General Fund's community health services account for the DPH commissioner to provide grants to community health centers. When awarding the grants, the act permits the commissioner to consider the amount of (1) funding the centers received from DPH grants disbursed in FY 15 and (2) uncompensated care the centers provided.

EFFECTIVE DATE: Upon passage

§ 403 — FEDERALLY QUALIFIED HEALTH CENTER (FQHC) PAYMENTS

Under prior law, DSS had to distribute funding to FQHCs, within available appropriations, based on cost reports the centers submitted to DSS, until the Appropriations and Human Services committees approved an alternative payment methodology.

The act instead allows DSS to develop an alternative payment methodology to replace the encounter-based reimbursement system. The Appropriations and Human Services committees must approve the new methodology.

Under the act, until the methodology is implemented, DSS must distribute supplemental funding, within available appropriations, to FQHCs based on cost, volume, and quality measures the DSS commissioner determines.

EFFECTIVE DATE: July 1, 2015

§ 404 — NURSING HOME RESIDENT COMMUNITY TRANSITION

Under the act, if a nursing facility has reason to know that a resident is likely to become financially eligible for Medicaid in the next 180 days, it must notify the resident or the resident's representative and DSS. DSS may (1) assess the resident to determine if he or she prefers and is able to live appropriately at home or in some other community-based setting and (2) develop a care plan and help the resident transition to the community.

EFFECTIVE DATE: July 1, 2015

§§ 405 & 517 — SWIMMING POOL ASSEMBLER LICENSE

License Requirement

The act creates a swimming pool assembler license for people who assemble above-ground swimming pools. (It repeals PA 15-244, § 217, which creates a pool installer license.)

By law, anyone who, for financial compensation, builds or installs permanent spas or in-ground or partially above-ground swimming pools more than 24 inches deep must be licensed as a swimming pool builder and registered as a home improvement contractor with DCP (CGS § 20-340d). The act creates a swimming pool assembler license for people who, for financial compensation, assemble above-ground swimming pools more than 24 inches deep and subjects these licensees to license and registration requirements similar to those that apply to swimming pool builder licensees under existing law, including registering as a home improvement contractor. People building or

assembling pools on their own residential property are exempt from the requirements under the law as well as the act.

As is the case for the swimming pool builder licensee, the act prohibits the swimming pool assembler licensee from performing electrical; plumbing and piping; or heating, piping, and cooling work without being licensed by DCP to perform this type of work.

As is the case for the swimming pool builder licensee, the initial fee for the swimming pool assembler license is \$150, and the annual renewal fee is \$100. The annual fee to register as a home improvement contractor is \$120, plus \$100 annually for the Home Improvement Guaranty Fund.

The act does not contain specific penalties for swimming pool assembler license violations. But by law, DCP may impose penalties for violations, such as suspending or revoking DCP licenses. Under the act, a swimming pool assembler licensee who violates the home improvement contractor registration provisions is also subject to a range of penalties.

Implementing Regulations for Swimming Pool Assemblers

By April 1, 2016, the act requires the DCP commissioner to adopt implementing regulations establishing, among other things, the amount and type of experience, training, continuing education, and examination requirements for getting and renewing a swimming pool assembler license.

Once DCP adopts regulations, the act prohibits anyone from assembling, for financial compensation, an above-ground swimming pool more than 24 inches deep, except on his or her own residential property, without first obtaining a DCP pool assembler license and registering with DCP as a home improvement contractor.

Anyone who applies for a license before January 1, 2017 does not have to take a license examination, provided his or her experience and training are equivalent to that required to qualify for the examination under DCP regulations.

Exemptions

Under the act, an applicant for a pool assembler's license who holds a swimming pool builder license or limited swimming pool maintenance and repair contractor's license must be issued the license without examination and is not required to complete continuing education requirements for the pool assembler's license.

Home Improvement Contractor Registration

The act requires swimming pool assembler licensees to comply with the registration requirements that apply to home improvement contractors under existing law.

Fees. By law, home improvement contractors must register with DCP and pay a \$220 annual fee, including \$100 for the Home Improvement Guaranty Fund. This fund reimburses consumers unable to recover losses suffered because the contractor failed to fulfill a contract valued at more than \$200, up to \$15,000 per claim (CGS §§ 20-421 & 432).

Requirements. Among other things, registered contractors must (1) include their registration numbers in advertisements, (2) show their registration when asked to do so by “any interested party,” and (3) use written contracts that meet certain statutory requirements (CGS §§ 20-427(a) & 429).

Violations and Penalties. DCP may investigate, refuse, suspend, or revoke a home improvement contractor’s registration and impose fines. It may impose civil fines of up to \$500 for a first offense, \$750 for a second offense, and \$1,500 for subsequent offenses for such violations as working without the required registration or willfully employing an unregistered individual (CGS § 20-427(d)).

In addition to other remedies in law, certain violations involving (1) fraud or misrepresentation are class B misdemeanors and (2) failure to refund money for home improvement work not done in a specified time are class A or B misdemeanors depending on the price of the work (see Table on Penalties) (CGS § 20-427(c)).

Finally, a violation of the home improvement contractor laws constitutes a violation under the Connecticut Unfair Trade Practices Act (CGS § 20-427(c)).

EFFECTIVE DATE: July 1, 2015, except the provision (§ 517) repealing the license created by PA 15-244 is effective June 30, 2015.

§ 406 — FAILURE TO FILE FOR ENTERPRISE ZONE PROPERTY TAX EXEMPTION

The law requires property owners eligible for the five-year enterprise zone property tax exemption to annually file an application with the local tax assessor to claim the exemption. If a property owner does not file the application by the statutory November 1 deadline and is not granted an extension, the owner waives his or her right to the exemption for that assessment year.

The act allows a property owner that missed this deadline to remain eligible for the exemption if (1) he or she received a certificate of eligibility on or after October 1, 2009 and (2) the property is located in a New Haven County municipality with between 18,500 and 19,500 people according to the 2010 federal census (Ansonia).

EFFECTIVE DATE: Upon passage

§ 407 — SMALL BUSINESS EXPRESS ADMINISTRATIVE EXPENSES

The act increases, from 4% to 5%, the percentage of Small Business Express program funds that DECD may use to cover the program’s administrative costs, but requires DECD to dedicate the additional 1% to develop capacity for capital construction projects for minority business enterprises.

EFFECTIVE DATE: July 1, 2015

§ 408 — URBAN AND INDUSTRIAL SITE TAX CREDIT CAP INCREASE

The act increases, from \$800 million to \$950 million, the total amount of business tax credits available under the Urban and Industrial Site Reinvestment (UISR) program.

UISR credits are available to any type of business investing in a project that will generate enough sales, personal income, and other tax revenue to recoup the foregone business tax revenue. The state may approve up to \$100 million in tax credits per project, and the credits are claimed over a 10-year period according to a statutory schedule. The tax credits apply to insurance premium, corporation, air carrier, railroad company, cable TV, utility company, and other specified business taxes.

EFFECTIVE DATE: July 1, 2015

§ 409 — NEW MARKETS TAX CREDITS

Existing law allows qualified community development entities (CDEs) or the businesses that invest in them to serve as a conduit for bond-funded grants intended to fund projects undertaken by other entities (grant recipients). A CDE may do this only if substantially all of the proceeds go to the grant recipient to undertake the project. The act allows the CDE to reinvest the proceeds directly in the project following a foreclosure brought against the grant recipient or its affiliate. The act also specifies that grants may only be channeled through CDEs if the program or project funded by the grant is located in the state.

CDEs are entities eligible to receive federal New Markets tax credits. Under federal law, the U.S. Treasury allocates a share of the annual aggregate New Markets tax credits to qualified CDEs. They in turn make the credits available to private entities that invest in business projects in low-income areas. The credits equal 39% of the qualified investments, taken over seven years.

EFFECTIVE DATE: July 1, 2015

§ 410 — TRANSIT ORIENTED DEVELOPMENT GRANTS

The act allows the OPM secretary, in consultation with the transportation commissioner, to use available funds, including urban action bond funds, to make grants or loans to (1) support and encourage "transit-oriented development" projects and (2) encourage the development and use of port and rail freight facilities and services. The law already authorizes DECD to make these grants or loans in consultation with the transportation commissioner.

The act specifies that it does not affect the state's authority to enter into agreements to facilitate transit-oriented development projects on state property.

"Transit-oriented development" is the development of residential, commercial, and employment centers within walking distance, or one-half mile, of public transportation facilities, including rail and bus rapid transit services, in order to encourage the use of those services (CGS §13b-79o).

EFFECTIVE DATE: July 1, 2015

§ 411 — OPERATION FUEL FUNDING

Starting July 1, 2015, the act increases, from \$1.1 million to \$2.1 million, the amount that must be annually transferred from the funds collected by the systems benefit charge (SBC) to Operation Fuel, Inc. for energy assistance. It also increases, from \$100,000 to \$200,000, the amount of the funds that Operation Fuel can use to administer the program.

The SBC is a charge on electric bills that helps fund various energy-related public policy costs. Operation Fuel, Inc. is a private nonprofit organization that provides limited energy assistance to households ineligible for other energy assistance programs.

EFFECTIVE DATE: Upon passage

§ 412 — SAFE BOATING REGULATIONS

PA 15-25 requires the DEEP commissioner to amend regulations that set out the content of safe boating operation courses. The revised regulations must (1) require the safe boating courses to include content on safe water skiing and (2) provide procedures for

DEEP to issue and revoke safe water skiing endorsements.

The act allows the DEEP commissioner to include in the amended regulations provisions establishing a fee for a safe water skiing endorsement and an alternative online course for the endorsement.

EFFECTIVE DATE: Upon passage

§ 413 — PAID FAMILY AND MEDICAL LEAVE IMPLEMENTATION

The act requires the labor commissioner, in consultation with the state treasurer, state comptroller, and commissioner of administrative services, to establish the procedures needed to implement a paid family and medical leave (FML) program.

The labor commissioner, by October 1, 2015, must contract with a consultant to create an implementation plan for the program. At a minimum, the plan must:

1. include a process to evaluate and establish mechanisms, through consultation with the above officials and DRS, that requires employees to contribute a portion of their salary or wages to a paid FML program, possibly by using existing technology and payroll deduction systems;
2. identify mechanisms for timely claim acceptance; claims processing; fraud prevention; and any staffing, infrastructure, and capital needs associated with administering the program;
3. identify and report on mechanisms for timely employee compensation distribution and any associated staffing, infrastructure, and capital needs; and
4. identify and report on funding opportunities to assist with start-up costs and program administration, including federal funds.

The act also requires the labor commissioner, by October 1, 2015 and in consultation with the treasurer, to contract with a consultant to perform an actuarial analysis and report on the employee contribution level needed to ensure sustainable funding and administration for a paid FML compensation program.

The labor commissioner must submit a report on the implementation plan and actuarial analysis to the Labor and Appropriations committees by February 1, 2016.

EFFECTIVE DATE: Upon passage

§ 414 — APPOINTEES AND NOMINEES FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS

The act allows the governor to require anyone appointed or nominated as a department head or chief

justice or judge of the Supreme, Appellate, or Superior courts to be fingerprinted and submit to state and national criminal history records checks.

EFFECTIVE DATE: July 1, 2015

§ 415 — STATEWIDE SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM

The act extends, from July 1, 2015 to July 1, 2016, the date by which the Department of Children and Families (DCF), together with the Department of Education and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, must identify or develop a statewide sexual abuse and assault awareness and prevention program for use by regional and local school boards. It also extends, from October 1, 2015 to October 1, 2016, the date by which school boards must implement the program.

EFFECTIVE DATE: Upon passage

§§ 416 & 417 — UCONN GRAD STUDENTS' HEALTH CARE

The act permits the UConn Board of Trustees (BOT) to provide health care coverage for UConn graduate assistants, graduate fellows, postdoctoral trainees, and certain graduate students through the partnership plan, provided the university pays all related premiums and expenses. The partnership plan is the state-administered health insurance plan for non-state public or nonprofit employers.

The act prohibits UConn from charging premiums and expenses to the General Fund.

Specifically, the act permits the following to be enrolled in the partnership plan:

1. UConn or the UConn Health Center graduate assistants, postdoctoral trainees, and graduate fellows; and
2. UConn graduate students participating in university-funded internships as part of their graduate program.

EFFECTIVE DATE: July 1, 2015

§§ 418 & 419 — HOMELESS YOUTH PROGRAM

The act transfers on July 1, 2017, from DCF to the Department of Housing (DOH), responsibility for administering the state's homeless youth program. However, it requires DOH to administer the program in collaboration with DCF, within available appropriations.

The act expands program eligibility to include homeless youth age 23 or younger, instead of only those under age 21. By law, the program may provide public outreach, respite housing, or transitional living services to youth who are homeless or at risk of homelessness.

Beginning by February 1, 2018, the act requires the DOH and DCF commissioners to jointly submit an annual program report to the Housing and Children's committees. Under prior law, the DCF commissioner submitted a report to the Children's Committee. By law, the report must include recommendations for programmatic changes, outcome indicators and measures, and benchmarks for evaluating progress.

EFFECTIVE DATE: July 1, 2017

§ 420 — OFFICE OF STATE BROADBAND

The act establishes an Office of State Broadband within the Office of Consumer Council (OCC). It requires the Office of State Broadband to work to increase access to broadband to every state citizen and increase access to, and adoption of, ultra-high-speed gigabit-capable broadband networks.

The act allows OCC to (1) collaborate with public and nonprofit entities and state agencies and (2) provide advisory assistance, including help in procuring grants, to municipalities, local authorities, and private corporations to expand broadband access in the state and foster innovative broadband approaches.

The act requires the new office to include a broadband policy coordinator and other staff as the consumer counsel deems necessary to perform its duties.

EFFECTIVE DATE: July 1, 2015

§§ 421 & 422 — NOTICES OF ABANDONED PROPERTY

The act eliminates a requirement that the state treasurer biennially publish notice of abandoned (i.e., escheated) property in a newspaper with general circulation in the county of the apparent owner's last-known address. It instead requires that she post this notice on her office's website. By law, the notice must list all abandoned property with a value of \$50 or more that was (1) reported and transferred to the state treasurer during preceding calendar years and (2) not previously published (or, under the act, posted online). Existing law also allows the treasurer to make the notice available electronically through other telecommunications methods that she deems cost effective and appropriate.

EFFECTIVE DATE: July 1, 2015

§ 423 — "FRAMEWORK FOR CONNECTICUT'S FISCAL FUTURE" REPORTS

The act requires the OPM secretary or his designee to (1) review the nonprofit Connecticut Institute for the 21st Century's reports titled, *Framework for Connecticut's Fiscal Future* and (2) submit any

recommendations regarding the reports' findings to the governor and the Appropriations and Finance, Revenue and Bonding committees by February 1, 2016. The reports (1) assess the state's systems for (a) providing long-term care; (b) administering correction, parole, and probation programs; (c) providing pension and other post-employment benefits; and (d) delivering public and human services and (2) describe how the state can use technology to improve these systems and programs.

EFFECTIVE DATE: Upon passage

§ 424 — EXECUTIVE BRANCH EXEMPTIONS FROM CLASSIFIED SERVICE

The act exempts the following positions within the Executive Branch from the state employee classified service:

1. Director of Communications 1;
2. Director of Communications 1 (RC);
3. Director of Communications 2;
4. Director of Communications 2 (RC);
5. Legislative Program Manager;
6. Communications and Legislative Program Manager;
7. Director of Legislation, Regulation, and Communication;
8. Legislative and Administrative Advisor 1; and
9. Legislative and Administrative Advisor 2.

By law, positions exempt from the classified service are not subject to civil service exams and other hiring and promotion procedures that apply to classified service positions.

EFFECTIVE DATE: July 1, 2015

§ 425 — STATE AGENCY INTERPRETERS FOR HEARING IMPAIRED PERSONS

The act requires state agencies unable to meet a request for deaf or hard of hearing interpreter services with their own staff to ask the Department of Rehabilitation Services (DORS) to provide the services before requesting them from elsewhere. It allows a state agency to seek interpreting services elsewhere if (1) DORS cannot fulfill the agency's request within two business days or (2) the agency has good cause to need such services immediately. The act applies to any office, department, board, council, commission, institution, or other executive or legislative branch agency.

The act exempts DORS from its requirements if it needs interpreting services related to an internal matter and the use of department interpreters may raise confidentiality issues. The act also does not affect preexisting interpreting services contracts.

By law, anyone who receives compensation for providing interpreting services must be registered with DORS and meet certain qualifications (CGS § 46a-33a).

The act specifies that interpreting services provided by state agencies must comply with this law.

By law, DORS must provide interpreting services, to the extent interpreters are available, if requested by any person or public or private entity. Service recipients must reimburse DORS through rates set by the department's commissioner (CGS § 46a-33b).

EFFECTIVE DATE: July 1, 2015

§§ 426-428 — MOTOR VEHICLE DEALER CONVEYANCE FEES

The act changes dealer conveyance fee notification requirements. Among other things, it requires new and used motor vehicle dealers to (1) notify prospective buyers that dealer conveyance fees are negotiable and (2) state the conveyance fee separately in vehicle advertisements and when quoting the vehicle sale price. It bars dealers from adding the conveyance fee to the sale price at the time the buyer signs the sales order.

It requires the Legislative Program Review and Investigations Committee (PRI) to compile information on conveyance fees and report to the Transportation Committee by January 15, 2016. It also makes conforming changes.

Conveyance and Processing Fees

By law, a motor vehicle dealer may charge a conveyance or processing fee to recover reasonable costs for (1) processing all documentation and (2) performing services related to the closing of a sale, including registration and transfer of ownership. The law does not define reasonable costs or cap the fees.

The act requires dealers to notify prospective buyers that the fee is negotiable and to include it but state it separately when quoting the sale price.

Prior law required dealers to provide the buyer with a written statement or prominently display in their place of business a sign specifying (1) the conveyance or processing fee amount; (2) the services for which it is charged; (3) that the fee is not payable to the state; and (4) that if a buyer chooses to submit documentation required for registration and transfer of ownership to the DMV, the dealer must reduce the fee by a proportional amount. The act requires dealers to (1) also specify on both the written statement and the sign that the fee is negotiable and (2) provide buyers with the written statement and prominently display a sign containing this information.

Motor Vehicle Advertisements

The law requires that advertisements for motor vehicles state, in at least 8-point bold type, that the dealer conveyance or processing fee is one of several

costs excluded from the stated price. The act requires that the advertisement separately state, in at least 8-point bold type, the amount of the dealer conveyance or processing fee immediately next to the phrase “dealer conveyance fee.” By law, a new car dealer who violates the advertising provisions faces a fine of up to \$1,000 and possible DMV suspension or revocation of its license. The act also subjects used car dealers to these penalties.

Reporting Requirements

The act requires licensed new and used car dealers continuously in business between October 1, 2014 and September 30, 2015 to report the following information to PRI by November 1, 2015:

1. the average amount they charged as conveyance or processing fees in each month between October 1, 2014 and September 30, 2015;
2. a description of how they calculated the fee and the reason for any month-to-month variance in the fee; and
3. their name and address and whether they sell new cars, used cars, or both.

PRI's Responsibilities

PRI must publicize the act's requirements and develop and distribute a form dealers may use to submit the required information. Car dealers that choose not to use the form must submit the required information in a way that reasonably conforms to the act's requirements.

PRI must allow dealers to submit the information either by mail or email and take any steps necessary to ensure the information is reported accurately and completely. PRI must compile the required information, including a description of the methodology used to collect and report it, and submit it in a report to the Transportation Committee by January 15, 2016.

EFFECTIVE DATE: July 1, 2015

§ 429 — NAMING THE STATE ARMORY DRIVEWAY

The act names the driveway running in front of the State Armory from the Legislative Office Building to Broad Street the “Chief Michael J. Fallon Way.”

EFFECTIVE DATE: Upon passage

§ 430 — PRIVATE OCCUPATIONAL SCHOOLS

The act reduces, from 0.5% to 0.4%, the percentage of tuition revenues that private occupational schools must pay into the private occupational school student protection account. By law, the account is used to

refund tuition to students unable to complete a course at a private occupational school because the school becomes insolvent or stops operating. It is funded by (1) quarterly assessments on private occupational schools' tuition revenue received from Connecticut students and (2) other fees related to the schools' operations.

The act also removes a conflict in prior law by eliminating a provision that prohibited schools from being assessed for payments if the account balance exceeds \$2.5 million. A separate provision in existing law requires certain schools to continue paying into the account even if the balance exceeds \$2.5 million (CGS § 10a-22w).

Additionally, the act allows the Office of Higher Education's executive director to assess the account for all direct expenses incurred for administering the account that exceed the office's normal expenditures. Under prior law, the executive director could assess the account only for the office's accounting, auditing, and clerical expenditures. The act also repeals obsolete language.

EFFECTIVE DATE: July 1, 2015

§ 431 — CLAIMING FILM PRODUCTION TAX CREDITS

The act extends, from four to six years, the time during which entities may claim film production tax credits that are authorized on July 1, 2015 or later.

By law, entities seeking credits must apply to DECD for a credit voucher entitling them to claim credits for the film production expenses they incur. Under the act, they may claim all or part of the credits for which a voucher is issued on or after July 1, 2015 in the year in which the production expenses occurred or in the next five income years. Existing law allows entities to claim tax credits authorized after January 1, 2006 in the year in which the expenses occurred or the next three income years.

As under existing law, film production credits can be used against the corporation business or the insurance companies taxes and may be sold or otherwise transferred.

EFFECTIVE DATE: Upon passage

§§ 432, 433, & 514 — SPECIAL TRANSPORTATION FUNDS (STF) LOCKBOX

The act makes the STF a perpetual fund and restricts the use of STF funds to transportation purposes only, including paying debt service on state obligations incurred for transportation purposes. The act prohibits the legislature from passing any law that would authorize the use of STF funds for anything other than transportation purposes. It is unclear whether these provisions are enforceable restrictions on future

legislatures (see *Background – “Legislative Entrenchment”*).

Under the act, all funds the law requires to be deposited in the STF on or after June 30, 2015 must continue to be deposited in the STF as long as the state continues to collect the funds.

Beginning July 1, 2015, the act requires all funds collected by the state from the use of highways, expressways, and ferries to be deposited in the STF, except as necessary to make direct payments of debt service on state obligations incurred for transportation purposes.

The act also repeals a similar provision that would have been effective July 1, 2015 restricting the use of STF funds to transportation purposes.

By law, the STF pays for state highway and public transportation projects. It is supported by a number of revenue streams, including the motor fuels tax, motor carrier road tax, petroleum products gross earnings tax, certain motor vehicle receipts and fees (e.g., driver’s license fees), and surcharges on motor vehicle related fines and penalties (CGS § 13-59 et seq.).

EFFECTIVE DATE: Upon passage

Background – Legislative Entrenchment

Legislative entrenchment refers to one legislature restricting a future legislature’s ability to enact legislation. The Connecticut Supreme Court has held that such a provision is unenforceable, writing that “to hold otherwise would be to hold that one General Assembly could effectively control the enactment of legislation by a subsequent General Assembly. This is obviously not true, except where vested rights, protected by the constitution, have accrued under the earlier act.”

§ 434 — HARTFORD ELECTION MONITOR

The act establishes a temporary election monitor in a municipality with a population of 124,000 to 128,000, according to the most recent federal decennial census (i.e., Hartford). The election monitor’s purpose is to detect and prevent irregularity and impropriety within the municipality in managing election administration procedures and conducting elections.

Specifically, the monitor must (1) conduct inspections, inquiries, and investigations concerning any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee and (2) immediately report to the secretary of the state any irregularity or impropriety discovered. Toward that end, the act requires that the election monitor have access to all records, data, and material maintained by, or available to, any such municipal official or appointee.

The act (1) specifies that the election monitor is not a state employee and (2) requires the secretary of the state to contract with an individual to serve in this capacity until January 1, 2017, unless she terminates the contract for any reason before that date. The election monitor must be compensated in accordance with the contract and reimbursed for necessary expenses. The municipality must provide office space, supplies, equipment, and services necessary for the monitor to properly carry out his or her duties.

The act specifies that it does not prohibit the State Elections Enforcement Commission (SEEC) from taking an authorized action. By law, SEEC, among other things, investigates alleged election law violations, inspects campaign finance records and reports, refers evidence of violations to the chief state’s attorney or the attorney general, and levies civil penalties for elections violations.

EFFECTIVE DATE: Upon passage

§ 435 — INTEREST ARISING FROM INCOME TAX CHANGES

The act exempts individuals from interest assessments due to an underpayment in estimated income tax created by the provisions of the budget act (PA 15-244). Among other things, § 66 of the budget act increases marginal income tax rates for those with taxable incomes over (1) \$500,000 for joint filers, (2) \$250,000 for single filers and married people filing separately, and (3) \$400,000 for heads of household.

EFFECTIVE DATE: Upon passage

§§ 436-440 — PESTICIDES

§§ 436 & 437 – Notice of Pesticide Applications on School Grounds

Direct Notice to Parents or Guardians. By law, schools, other than regional agricultural science and technology education centers, must provide certain information about pesticide applications directly to parents, guardians, or school staff who register to receive it. Slightly different notice requirements apply based on whether a school has an integrated pest management (IPM) plan. IPM is the use of all available pest control techniques, including judicious pesticide use when needed, to maintain a pest population at or below an acceptable level, while decreasing pesticide use (CGS §§ 10-231a & 22a-47).

By law, the notice provided by schools without IPM plans must include the target pest. The act extends this requirement to schools with IPM. The law already requires both school types to disclose the (1) pesticide's active ingredient, (2) date and location of application, and (3) name of a person who may be contacted for more information.

The act requires each local or regional board of education to indicate on its website's homepage how parents may register for prior notice of pesticide applications. For schools without IPM plans, the act requires notice to be sent electronically, rather than by mail as prior law required. By law, schools with IPM plans must send the information by any means practicable.

Internet and Social Media Notice. Under the act, for schools with or without IPM plans, beginning October 1, 2015, each local or regional board of education must also, at least 24 hours before applying pesticide in any school building or on school grounds, post the notice provided to parents or guardians (see above) either on or through the:

1. homepage of the school's website or, if the school has no website, the homepage of the board's website and
2. school's or board's primary social media account.

Under the act, "social media" is an electronic medium where users create and view user-generated content, such as videos or photographs, blogs, video blogs, podcasts, or instant messages.

By law, at schools without IPM plans, an emergency pesticide application may be made to address a human health threat as long as notice is provided to those who requested it on or before the application date. The act requires the notice to also be published online and on social media at the same time as registered individuals are notified.

Electronic Mail Notification or Alert System. The act requires a board of education, by March 15 each year, to send through its or its schools' email notification or alert systems or services (1) the notice required to be sent directly to parents or guardians before a pesticide application (see above) for applications made since January 1 of the same year and (2) a list of the notices for applications made between March 15 and December 31 of the previous year. A board must also include the email notification in the applicable parent handbook or manual, unless it would require reprinting the handbook or manual.

Scope of Requirement. The act specifies that a school or board of education is not required to develop or use a website, social media account, or email notification or alert system that is not already in use or existence as of October 1, 2015.

EFFECTIVE DATE: October 1, 2015

§ 438 – School Ground Lawn Care Pesticide Application

The law bans the use of lawn care pesticide on the grounds of preschools and schools with students in grade eight or lower, absent a human health emergency. A "lawn care pesticide" is a pesticide (1) registered by the U.S. Environmental Protection Agency (EPA) and (2) labeled according to federal law for use in lawn, garden, and ornamental sites or areas.

The act exempts the following products from this definition, thus allowing their application on the grounds of these schools:

1. EPA-registered microbial or biochemical pesticides;
2. horticultural soaps or oils registered with EPA and without any synthetic pesticide or synergist (enhancer of pesticide properties); and
3. certain pesticides classified by EPA as exempt material, such as pheromones, biological specimen preservatives, and minimum-risk pesticides (40 CFR Part 152.25).

Under the act, a "microbial pesticide" is a pesticide that has a microorganism as the active ingredient, and a "biochemical pesticide" is a naturally occurring substance that controls pests by nontoxic means.

EFFECTIVE DATE: Upon passage

§ 439 – Pesticide Application at Municipal Playgrounds

Scope of Application Restrictions. The act restricts pesticide and lawn care pesticide use on municipal playgrounds. The restrictions apply to outdoor areas (1) designated, dedicated, and customarily used for playing by children and (2) owned or controlled by a town, city, borough, consolidated town and city, or consolidated town and borough. This includes areas with a swing set, slide, climbing structure, playset, or device or object on which children play. The act specifies that it does not cover (1) fields or open space used primarily for sporting activities and (2) playgrounds on school premises.

Non-Lawn Care Pesticide Application. Under the act, only DEEP-certified pesticide applicators may apply pesticide on municipal playgrounds, except in an emergency. Anyone may apply pesticide in an emergency to eliminate an immediate human health threat, such as from mosquitoes, ticks, or stinging insects, if:

1. the executive head of the municipal department responsible for the playground's maintenance or his or her designee (the "controlling authority") finds the application is necessary,
2. he or she decides it is impractical to obtain a certified applicator, and

3. the application does not involve an EPA- or DEEP-restricted use pesticide.

For purposes of applying pesticide on municipal playgrounds, a “pesticide” is a fungicide used on plants, an insecticide, an herbicide, or a rodenticide, but not a sanitizer, disinfectant, antimicrobial agent, or pesticide bait.

Lawn Care Pesticide Application. The act bans applying a lawn care pesticide on municipal playgrounds, absent a human health emergency. For an emergency application to occur under the act, there must be an immediate human health threat, such as from mosquitoes, ticks, or stinging insects. The controlling authority must determine the application is necessary, and the application cannot involve an EPA- or DEEP-restricted use pesticide.

The act applies the same definition of “lawn care pesticide,” and exempts the same products from that definition as for applications on school grounds.

Notice. For any pesticide application, if the situation allows for it, the controlling authority must, within existing budgetary resources, provide at least 24 hours advance notice. The notice must be posted on the municipality’s website. If the controlling authority determines an emergency application of pesticide or lawn care pesticide is needed, notice must be given as soon as practicable.

Notice must include the (1) pesticide’s active ingredient, (2) target pest, and (3) date or proposed date and location of the application.

Under the act, the controlling authority must keep a copy of each notice, and make them available to the public, for five years from the pesticide application date. EFFECTIVE DATE: October 1, 2015

§ 440 – Regulations on Pesticide Application Records

By law, the DEEP commissioner, in consultation with the DPH commissioner, must adopt regulations on pesticide application by state agencies, departments, or institutions. Prior law required the regulations to include IPM methods to reduce pesticide use. Under the act, the regulations must require using IPM methods if the DEEP commissioner provides pertinent model pest control management plans.

The act also requires the regulations to address record retention by each state agency, department, or institution that applies pesticide or implements an IPM program. It specifies that the records must include the (1) reason for pesticide use, (2) location of application, (3) application frequency at each location, (4) EPA toxicity category and carcinogenic classification for each pesticide used, and (5) application cost. EFFECTIVE DATE: Upon passage

§ 441 — FAMILY VIOLENCE INTERVENTION UNITS

PA 15-211, among other things, requires the Superior Court’s family violence intervention units to monitor compliance of offenders participating in the pretrial family violence education program. This act also requires the units to monitor offenders referred to other pretrial services or programs. By law, under the oversight of the Judicial Branch’s Court Support Services Division, the local family violence intervention units accept referrals of family violence cases from judges or prosecutors.

EFFECTIVE DATE: January 1, 2016

§§ 442-444 — REGIONAL ELECTION MONITORS

The act establishes a regional election monitor within each of the state’s nine planning regions to represent, consult with, and act on the secretary of the state’s behalf before and during each election, primary, recanvass, and audit. It (1) specifies that the monitors are not state employees and (2) requires the secretary of the state to certify them.

The law authorizes each planning region’s regional council of governments (COG) to determine the services it will provide its member municipalities. The act creates an exception to this authorization and requires COGs to provide the monitor-related services it prescribes. Specifically, the act requires each COG, by March 1 annually, to (1) contract with an individual to serve as the monitor for that planning region and (2) enter into an MOU about the monitor with the secretary of the state.

EFFECTIVE DATE: January 1, 2016

Qualifications and Contract Terms

The act sets qualifications for regional election monitors and certain terms that must be covered by their contracts. Under the act, monitors must (1) be certified by the secretary of the state, (2) be state electors, (3) perform the position’s duties in a nonpartisan manner, and (4) have prior field experience in the conduct of elections.

By March 1 of each year, each COG must contract with an individual to serve as the monitor for its planning region. According to the contract’s terms, the monitor must be (1) compensated for performing any duty agreed upon with the COG and (2) reimbursed for necessary expenses. COGs (1) must provide their monitor with any space, supplies, equipment, and services necessary to properly carry out the position’s duties and (2) may terminate the contract for any reason.

MOU with the Secretary of the State

By March 1 of each year, each COG must enter into an MOU with the secretary of the state concerning the regional election monitor. In the MOU, the COG must confirm that:

1. the contract specifies the required terms and expectations;
2. the monitor is subject to the secretary's control and direction;
3. revocation by the secretary of the monitor's certification constitutes breach of contract and will result in the contract's immediate termination; and
4. the monitor will be retained for at least 30 days after the election, unless terminated.

Certification and Training

The act requires the secretary of the state to train individuals as monitors and certify those who successfully complete the training, subject to the same exceptions applicable to moderators. Specifically, she cannot certify anyone who has been convicted of or pled guilty or nolo contendere to a (1) felony involving fraud, forgery, larceny, embezzlement, or bribery or (2) criminal offense under state election law. The act authorizes the secretary to revoke a certification, with or without cause, at any time.

Under the act, regional election monitor certifications are effective for two years. Prior to the expiration of an initial or subsequent certification, monitors may undergo a secretary-prescribed abridged recertification process to satisfy the recertification requirements.

Duties

Under the act, monitors' duties include:

1. holding regional instructional sessions for moderators and alternate moderators;
2. communicating with registrars of voters to assist, to the extent permitted by law, in preparing for and conducting an election, primary, recanvass, or audit; and
3. transmitting an order issued by the secretary of the state (see § 445 below).

After conducting a regional instructional session for moderators and alternate moderators, monitors must provide the secretary of the state with the name and address of attendees. Existing law sets the same requirement for other instructors.

§ 443 — CERTIFICATION AND TRAINING FOR MODERATORS AND ALTERNATE MODERATORS

By law, moderators and alternate moderators cannot serve during a primary or election unless certified by the secretary of the state. The secretary must certify individuals who successfully complete the required instructional sessions and exam.

Existing law requires the secretary to establish the number of instructional sessions, provided at least one session per year is held in each Congressional district. The act additionally requires her to (1) coordinate with regional election monitors to hold regional instructional sessions in COG facilities and (2) establish the number of regional sessions, provided at least one is held before a regular election in each planning region.

Under existing law and the act, certifications are effective for two years. Previously, moderators had to earn a full recertification every two years. Under the act, they may instead undergo a secretary-prescribed abridged recertification process to satisfy the recertification requirements.

EFFECTIVE DATE: January 1, 2016

§ 445 — THE SECRETARY OF THE STATE'S AUTHORITY

The act requires the secretary of the state's written instructions and opinions to be labeled as such and cite the authority on which they are based. It also requires that her regulations, declaratory rulings, instructions, and opinions be implemented, executed, and carried out, whichever applies. Prior law presumed these written statements correctly interpret and effectuate the administration of elections and primaries but did not explicitly require that they be implemented. (PA 15-224, § 3 contains identical provisions on the secretary's written statements. It was effective July 7, 2015.)

By law, the above requirements do not apply to campaign finance laws, which are under the SEEC's purview. The act specifies that these laws include those governing the Citizens' Election Program, computerization of campaign finance statements and data, and public financing for municipal elections.

Additionally, the act authorizes the secretary of the state to issue an order to any registrar of voters or moderator during a municipal, state, or federal primary, election, recanvass, or audit to correct an irregularity or impropriety related to its conduct. The order may be issued orally or in writing. As with her written statements, the act presumes that the secretary's orders correctly interpret and effectuate the administration of elections and primaries and requires that they be followed.

Under the act, an order is effective when issued. As soon as practicable after issuing an oral order, the secretary must reduce it to writing and cite the authority on which it is based. She must have a copy of the order delivered to the individual subject to it. If the order was originally issued in writing, she must issue another written order complying with these requirements.

The act authorizes the Superior Court, upon application of the secretary of the state or attorney general, to enforce any order the secretary issues under the act's provisions.

EFFECTIVE DATE: January 1, 2016

§ 446 — NEIGHBORHOOD ASSISTANCE ACT (NAA) TAX CREDIT CAP INCREASE

This act raises, from \$5 million to \$10 million, the annual cap on NAA tax credits, which are available to businesses that contribute to or invest in municipally approved community projects and programs. DRS, which administers the credits, must continue to award, as the law requires, \$3 million in NAA credits to businesses contributing funds specifically for energy conservation projects, job training programs, and programs benefiting low-income people.

EFFECTIVE DATE: July 1, 2017

§§ 447-458 & 522 — PROBATE FEES

The act makes various changes affecting probate court fees, such as raising various fees, establishing new fees, and eliminating the cap on maximum fees for settling an estate. It also makes minor and conforming changes.

EFFECTIVE DATE: Various, see below.

§§ 448 & 454 – Estate Settlement

Estates of Over \$2 Million. For estate proceedings for people who die on or after January 1, 2015, the act changes the basis for computing fees for estates valued at over \$2 million, as shown in Table 11. In doing so, the act eliminates the prior cap of \$12,500 for such fees.

Table 11: Probate Fees For Settling Estates (Ranges Changed by Act)

Prior Law	The Act
Estate value: \$500,000 – \$4,754,000 Fee was \$1,865, plus 0.25% of the excess over \$500,000	Estate value: \$500,000 – \$2,000,000 Fee is \$1,865, plus 0.25% of the excess over \$500,000
Estate value: at least \$4,754,000 Fee was \$12,500	Estate value: at least \$2,000,000 Fee is \$5,615, plus 0.5% of the excess over \$2,000,000

New Fees. The act establishes the following fees concerning estate settlement and related matters, as shown in Table 12.

Table 12: New Probate Fees Related to Estate Settlement

Action	Fee
Petition to open deceased owner's safe deposit box to (1) access jointly owned stocks or similar materials or (2) search for a will	\$50
Petition to appoint an estate examiner for specified purposes	\$50
Mediation by member of a panel appointed by the probate court administrator	\$350 per day or partial day

Lien for Unpaid Fees. The act also provides that standard estate settlement fees are a lien in favor of the state on any in-state real property included in the basis for fees. The lien continues until the fees are paid, along with any interest that accrues. The lien is not valid against a lienor, mortgagee, judgment creditor, or bona fide purchaser until notice of the lien is properly filed or recorded (e.g., in the town clerk's office).

Under the act, the probate court must issue a certificate of release of lien for any such real property within 10 days after receiving payment of the fees and interest. The court may do so before the fees and interest have been fully paid if it finds that payment is adequately assured. The certificate may be recorded and is conclusive proof that the fees have been paid and the lien discharged.

EFFECTIVE DATE: July 1, 2015

§§ 449, 455-458, & 522 — General Fee Increases and Related Matters

Under prior law, the general fee for most probate court matters, other than those relating to estate settlement or periodic accounts of fiduciaries, was \$150. This fee applied to applications, petitions, or motions to bring a matter to probate court, other than matters for which the law applied a different fee or exemption.

Starting January 1, 2016, the act raises this fee to \$225. The filing fee applies to each of the following motions, petitions, or applications in all probate matters other than estate settlement, as shown in Table 13.

Table 13: Probate Filings Subject to \$225 Fee Under Act

Action
With respect to a minor: <ul style="list-style-type: none"> • Appoint a temporary or permanent guardian; coguardian; temporary custodian; or statutory parent • Remove a guardian, including appointing another • Reinstate a parent as guardian • Terminate parental rights, including appointing a guardian or statutory parent • Grant visitation • Make findings on special immigrant juvenile status

<i>Action</i>
<ul style="list-style-type: none"> • Approve an adoption or validate a foreign adoption • Resolve a dispute concerning a standby guardian • Approve a plan for DCF voluntary services • Conduct an in-court review to modify an order • Grant emancipation • Grant approval to marry (the prior fee was \$25) • Transfer funds to a custodian under the Uniform Transfers to Minors Act or appoint a successor custodian • Grant authority to purchase real estate
Determine paternity
Determine the age and birth date of an adopted person born outside the country
With respect to adoption records: <ul style="list-style-type: none"> • Appoint a guardian ad litem for a biological relative who cannot be found or appears to be incompetent • Appeal an agency's refusal to release information • Release medical information needed for treatment • Grant access to an original birth certificate
Approve an adult adoption
Resolve a dispute on advance directives or life-sustaining treatment for someone who does not have a conservator or guardian
Enjoin someone from interfering with the provision of protective services to an elderly person
With respect to an adult with intellectual disability: <ul style="list-style-type: none"> • Appoint a temporary limited guardian, guardian, or standby guardian • Grant visitation • Modify the guardianship in connection with a periodic review • Determine life sustaining treatment • Approve or review an involuntary placement • Grant a writ of habeas corpus
With respect to psychiatric disability: <ul style="list-style-type: none"> • Commit someone for treatment • Issue a warrant to examine someone at a general hospital • Determine whether there is probable cause to continue an involuntary confinement or review an involuntary confinement for possible release • Authorize shock therapy or medication • Review the status of someone under age 16 as a voluntary patient • Recommit someone under age 16 for further treatment
With respect to drug or alcohol dependency: <ul style="list-style-type: none"> • Commit someone for treatment or recommit someone for further treatment • Terminate an involuntary confinement
With respect to tuberculosis: <ul style="list-style-type: none"> • Commit someone for treatment • Issue a warrant to enforce an examination order • Terminate an involuntary confinement
Compel an account by the trustee of an inter vivos trust, attorney-in-fact, custodian under the Uniform Transfers to Minors Act, or treasurer of an ecclesiastical society or cemetery association
With respect to a testamentary or inter vivos trust: <ul style="list-style-type: none"> • Construe, divide, reform, or terminate the trust • Appoint a trustee to fill a vacancy • Determine title to property • Apply the cy pres or approximation doctrines • Authorize the trustee to disclaim a property interest • Enforce a pet trust
Authorize a fiduciary to establish a trust
Appoint a trustee for a missing person
Change someone's name
Issue an order to amend a birth certificate of someone born in another state to reflect a gender change
Require DPH to issue a delayed birth certificate
Compel a cemetery association's board to disclose the minutes of its annual meeting
Issue an order to protect a grave marker
Restore rights to buy, possess, and transport firearms
Issue an order allowing sterilization

<i>Action</i>
With respect to any probate court case other than one involving a decedent's estate: <ul style="list-style-type: none"> • Compel or approve a fiduciary's action • Give advice or instruction to a fiduciary • Authorize a fiduciary to compromise a claim • List, sell, or mortgage real property • Determine title to property • Resolve a dispute between co-fiduciaries or among fiduciaries • Remove a fiduciary • Appoint a successor fiduciary or fill a vacancy • Approve fiduciary fees or attorney's fees • Apply the cy pres or approximation doctrines • Reconsider, modify, or revoke an order • Decide an action on a probate bond

The act specifies a \$150 fee to file a petition for custody of a deceased person's remains. It requires the court to waive the fee if the state is required by law to pay funeral and burial expenses because the deceased was receiving certain state public assistance benefits.

It also specifies a \$150 fee for a fiduciary's request to release funds from a restricted account. The court must waive the fee if it approves the request without notice and hearing according to the probate court rules of procedure.

It establishes a \$350 daily fee for mediation conducted by a member of the panel established by the probate court administrator. As noted above, this fee also applies to estate settlement matters.

The act retains certain separate fees that apply under existing law (e.g., the \$250 fee for admission pro hac vice). It eliminates the \$5 fee for filing a will.

Under the act, if a statute or rule of procedure allows filings to be combined into a single motion, petition, or application, the fee for the combined filing is the largest individual filing fee that would apply to such matters.

The act specifies that all fees under these provisions (new or existing) are due at the time of filing, unless the court grants an extension or the fees are exempted or waived by law.

EFFECTIVE DATE: January 1, 2016

§§ 450 & 522 – Fees for Accounting Other Than for Estate Settlement

Starting January 1, 2016, the act changes the fee structure for a fiduciary's accounting in probate court in matters other than estate settlement.

Under prior law, the fees ranged from \$50 to \$750, based on the greater of the fiduciary acquisition value, market value, or receipts, as follows:

1. if the value was under \$25,000, the fee was \$50;
2. if the value was between \$25,000 and \$375,000, the fee was 0.20% of that value; and
3. if the value was more than that, the fee was \$750.

The act retains the \$50 minimum fee. It bases other fees on the greater of:

1. the number of one-year periods (or parts of a year) covered by the account multiplied by 0.05% of the greater of the fiduciary acquisition value or fair market value of assets on hand, at the beginning or end of the accounting period; or
2. 0.05% of all receipts during the accounting period.

The act establishes a maximum fee of \$500 per year covered by the account.

It provides that (1) these provisions apply to each account that covers a unique accounting period and (2) there are no additional fees for filing an amended or substitute account covering the same period as the original filing. It eliminates a provision which required that, if more than one account was the subject of a hearing, fees be based on the values in the most recent account being heard.

The act specifies that these fees are due when the fiduciary files an account, unless the fees are exempted or waived by law. It provides that any such fees, as well as related miscellaneous fees under existing law, not paid within 30 days of the court's invoice, accrue interest at the rate of 0.5% per month or partial month until paid. The act allows the court to grant payment extensions for undue hardship; if it does so, no additional interest accrues during the extension. The act otherwise prohibits the court from waiving interest for such fees.

EFFECTIVE DATE: January 1, 2016

§§ 452 & 522 – General Provisions

By law, the general rule in probate matters is that the petitioner pays any required fees. Estate settlement fees are generally charged to the executor or administrator. The act retains these default rules. It allows the court to order an estate's fiduciary to reimburse a party for any fees if the court determines that reimbursement is equitable.

Under prior law, if a matter was begun upon the court's motion, there was a \$150 entry fee, charged to an interested party as the court determined. The act instead allows the court to assess the fees and expenses that would otherwise apply in such matters (for example, \$225 for any of the matters described in Table 13 above). The court may assess the fees in a proportion that it determines equitable.

EFFECTIVE DATE: July 1, 2015, except a provision repealing certain laws is effective January 1, 2016.

§ 453 – Appeal of Quarantine or Isolation Order

Under prior law, if a person filed a probate court appeal of a quarantine or isolation order imposed by the DPH director, the fees for a related hearing had to be (1) paid from funds appropriated to the Judicial Branch or (2) waived if there were no such funds in the branch's budget. The act instead eliminates fees charged to file these appeals in probate court.

EFFECTIVE DATE: July 1, 2015

§ 459 — WORKERS' COMPENSATION HOSPITAL CHARGES

PA 14-167 required charges for workers' compensation-related hospital services rendered before the fee schedule for such services became effective (April 1, 2015) to be the hospital's actual cost of treating an injured worker, as determined by a workers' compensation commissioner. The act requires these charges to be determined exclusively under this requirement, and not the Office of Health Care Access (OHCA) statutes (see *Background – Related Case*).

The act also creates a deadline for filing disputes over a hospital's workers' compensation-related charges. It requires the disputes to be filed within one year after the initial payment for the services was remitted, regardless of the service date, unless an applicable law or rule requires a shorter timeframe. By law, the dispute must be settled by a compensation commissioner under the workers' compensation law.

Background – Related Case

In March 2015, the state Supreme Court ruled that the hospital deregulation laws in the OHCA statutes superseded the workers' compensation law's requirement to pay actual costs. Thus, for services rendered before the fee schedule became effective, a workers' compensation payor must pay a hospital's published rates, unless it negotiated different rates with the hospital (*Caraballo et al. v. Electric Boat et al.*, 315 Conn. 704).

EFFECTIVE DATE: Upon passage

§§ 460-463 — JUDICIAL COMPENSATION

The act increases salaries for judges, family support magistrates, family support referees, and judge trial referees, by 3% per year in FY 16 and FY 17. (The per diem rates noted below increase by approximately 3%.) It similarly increases the additional amounts that certain judges receive for performing administrative duties. It also increases salaries of certain officials whose compensation, by law, is determined in relation to a Superior Court judge's salary or state referee's per-diem rate.

EFFECTIVE DATE: July 1, 2015

Judicial Salaries

Table 14 shows the act's changes to judicial salaries.

Table 14: Judicial Salaries

Position	Prior Salary	Salary Starting July 1, 2015	Salary Starting July 1, 2016
Supreme Court chief justice	\$194,757	\$200,599	\$206,617
Chief court administrator (if a judge)	187,148	192,763	198,545
Supreme Court associate judge	180,204	185,610	191,178
Appellate Court chief judge	178,210	183,556	189,063
Appellate Court judge	169,245	174,323	179,552
Deputy chief court administrator (if a Superior Court Judge)	166,158	171,143	176,277
Superior Court judge	162,751	167,634	172,663
Chief family support magistrate	141,686	145,936	150,314
Family support magistrate	134,848	138,893	143,060
Family support referee	211/ day*	217/ day*	223/ day*
Judge trial referee	244/ day*	251/ day*	259/ day*

*Plus expenses, mileage, and retirement pay

Administrative Judges

In addition to their annual salaries, the law provides extra compensation to certain judges who take on certain administrative duties. The judges who receive this additional amount are (1) the appellate system's administrative judge; (2) each judicial district's administrative judge; and (3) each chief administrative judge for (a) facilities, administrative appeals, the judicial marshal service, judge trial referees, and (b) the Superior Court's Family, Juvenile, Criminal, and Civil divisions. The act increases the amount of these additional annual payments from \$1,109 to \$1,142 starting July 1, 2015, and to \$1,177 starting July 1, 2016.

Related Increases

The act's provisions also result in salary or rate increases for other officials or judges whose compensation is tied to those of Superior Court judges or judge trial referees. Specifically:

1. the salaries of workers' compensation commissioners vary depending on experience and are tied to those of Superior Court judges (CGS § 31-277);
2. the salaries of probate court judges vary depending on probate district classification, and range from 45% to 75% of a Superior Court judge's salary (CGS § 45a-95a);

3. senior judges receive the same per-diem rates as judge trial referees (CGS §§ 51-47b & 52-434b); and
4. the probate court administrator's salary is the same as that of a Superior Court judge (CGS § 45a-75).

§ 464 — FUNDING FOR CHILDHOOD DISCONTINUITY STUDY

The act carries forward up to \$375,250 of unspent funds previously appropriated to the Office of Legislative Management for the Connecticut Academy of Science and Engineering's Childhood Discontinuity Study and makes them available for the same purpose in FY 16 or FY 17, rather than lapsing at the end of FY 15. EFFECTIVE DATE: July 1, 2015

§ 466 — PURA QUORUM

The act allows PURA commissioners to privately confer or communicate with each other about a matter before PURA without invoking the Freedom of Information Act's (FOIA) requirements for public meetings.

By law, these requirements are invoked when a quorum of a public agency discusses a matter before it. However, because PURA has only three commissioners, any discussion between two commissioners could be considered a quorum and thus invoke various FOIA requirements. The act exempts any conference or communication between PURA commissioners from being considered a meeting under FOIA as long as it does not occur before the public at a hearing or proceeding.

EFFECTIVE DATE: Upon passage

§ 467 — TEST BED PROGRAM

The act makes changes to the State Agency Energy Efficiency or Renewable Energy Technology Test Program. By law, the program allows the DEEP commissioner to direct state agencies to test technologies, products, or processes ("test subjects") that (1) he finds would promote energy conservation, efficiency, or renewable energy technology and (2) meet certain other standards. Acquisitions under the testing program are not considered purchases under the state procurement law and are thus exempt from certain competitive bidding requirements.

The act requires the commissioner to administer pilot test programs at state agencies for test subjects that meet the program's criteria and fulfill its purposes. Applicants interested in participating in the programs must submit an application to the commissioner on forms he prescribes. The act requires the commissioner

to (1) review an application for sufficiency within 30 days and (2) determine whether the application meets the program's requirements within 90 days of receiving it.

The act also allows another agency's commissioner to identify a test subject (1) on his or her own or (2) that has been procured, installed, and tested in a municipality and meets the program's requirements. The agency commissioner can request the DEEP commissioner's approval to test the test subject. The DEEP commissioner must evaluate the test subject and approve or disapprove the other commissioner's request within 30 days after receiving it.

Under the act, an agency directed or approved to test a test subject must use it on a trial basis as prescribed by the DEEP commissioner. If the testing agency's commissioner determines that the test subject sufficiently reduces energy use and costs, greenhouse gas emissions, or fossil fuel dependence, he or she can ask the administrative services commissioner to procure it for all state agencies under a law that waives competitive bidding requirements in emergencies. Under prior law, only the DEEP commissioner could make this determination and request.

EFFECTIVE DATE: October 1, 2015

§ 468 — UTILITY COMPANY RECOVERY FOR TAX INCREASES

The act allows a state-regulated utility company to defer until its next general rate case its recovery of any increased tax expenses due to PA 15-244 (the budget act) that are not currently authorized in the company's rates.

Among other things, the budget act (1) extends the 20% corporation income tax surcharge to the 2016 and 2017 income years, (2) limits the amount of net operating loss corporations may carry forward to reduce their tax liability, (3) reduces the corporate tax credit limit from 70% to 50.01% of a corporation's tax liability, and (4) requires a company that belongs to a corporate group of related companies meeting certain criteria to determine its Connecticut corporation tax liability based on the net income or capital base of the entire group. (Sections 139-153 of this act delay the combined reporting requirement until January 1, 2016.)

EFFECTIVE DATE: July 1, 2015

§§ 469 & 470 — OFF-LABEL PRESCRIPTION DRUGS

The act expands coverage under certain health insurance policies for off-label use of U.S. Food and Drug Administration (FDA) – approved drugs for certain conditions. A drug is used “off-label,” when it is prescribed to treat a condition other than one for which

the FDA approved it.

The act:

1. requires coverage for drugs recognized by peer reviewed medical literature for off-label treatment of certain types of cancer or disabling or life-threatening diseases;
2. requires coverage for medically necessary services associated with the administration of such drugs; and
3. prohibits denying coverage for such drugs based on medical necessity, except for reasons unrelated to the legal status of the drug's use.

It also exempts certain types of research trial drugs from the required coverage and makes conforming and technical changes.

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut.

Sources for Treatment with Off-Label Drugs

By law, health insurance policies that cover a prescription drug FDA approved to treat a certain type of cancer or disabling or life-threatening chronic disease must also cover the drug when it is used to treat another type of cancer or disabling or life-threatening chronic disease if it is recognized as treatment for such a condition in the:

1. U.S. Pharmacopoeia Drug Information Guide for the Health Care Professional,
2. American Medical Association's Drug Evaluations, or
3. American Society of Health-System Pharmacists' American Hospital Formulary Service Drug Information.

The act adds as a fourth source peer-reviewed medical literature generally recognized by the relevant medical community.

Peer-Reviewed Medical Literature

Under the act, “peer-reviewed medical literature” means a study published in a journal or other publication (1) in which manuscripts are critically reviewed for scientific accuracy, validity, and reliability by unbiased international medical experts and (2) that meets the International Committee of Medical Journal Editors' Uniform Requirements for Manuscripts Submitted to Biomedical Journals. It does not include publications or supplements sponsored to a significant extent by a (1) pharmaceutical manufacturing company or (2) health insurer, health care center, hospital service corporation, medical service corporation, or fraternal benefit society that issues, delivers, renews, amends, or continues a health insurance policy in Connecticut.

Coverage Exceptions

Under prior law, coverage was not required for experimental or investigational drugs. The act instead exempts from coverage (1) any drug used in a research trial sponsored by a drug manufacturer or a government entity or (2) a drug or service furnished by a research trial's sponsor at no cost to an insured participating in the trial. By law, coverage is not required for any drug the FDA has determined to be contraindicated for the treatment of a given condition.

EFFECTIVE DATE: January 1, 2016

§ 471 — LEGISLATIVE COMMISSIONERS' OFFICE CODIFICATION PROVISION

The act allows the Legislative Commissioners' Office, in codifying the act, to make necessary technical, grammatical, and punctuation changes, including correcting inaccurate internal references.

EFFECTIVE DATE: Upon passage

§ 472 — CONSERVATION EASEMENTS PURCHASED WITH STATE FUNDS

The act excludes certain conservation easements purchased wholly or partially with state funds from any open space percentage allocation required by a local planning or zoning commission for final approval of a municipal land use application (including a cluster development application). The exclusion applies only to applications filed in a municipality with (1) a population of 82,000 to 90,000 and (2) a total area of 35 to 37 square miles (e.g., Norwalk).

EFFECTIVE DATE: Upon passage

§ 473 — PERSONAL CARE ATTENDANT (PCA) TRAINING CONTRACT

The act allows the state and the union representing state-funded PCAs to contract directly with a non-profit labor management trust to provide PCA training and related services to the PCAs at cost. The training contract must be authorized under the collective bargaining agreement between the state and the PCA union and the trust providing the training services must be authorized to receive payments from an employer under federal labor law.

EFFECTIVE DATE: July 1, 2015

§§ 474-479 — DPH LICENSE RENEWAL FEES

PA 15-244 (§§ 112-135) (1) increases by \$5 license renewal fees for various DPH-licensed professionals and (2) directs the revenue generated to a newly established account to fund the professional assistance

program for DPH-regulated professionals (currently, the Health Assistance InterVention Education Network (HAVEN)). The act makes the:

1. fee increases effective October 1, 2015 and applicable to registration periods on or after that date, rather than effective July 1, 2015 and
2. DPH commissioner's quarterly certification and transfer of revenue received as a result of the fee effective October 1, 2015, rather than July 1, 2015.

Additionally, the act eliminates the provision in PA 15-244 (§ 131) that increases, by \$5, the fee for renewing a funeral home inspection certificate.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015, except for the provision changing the effective date of the fee increases in PA 15-244 (§ 474), which took effect June 30, 2015.

§ 480 — REPORTING OF IMPAIRED HEALTH CARE PROFESSIONALS

By law, physicians, physician assistants, and hospitals must notify DPH if a physician or physician assistant is or may be unable to practice with skill and safety because he or she is impaired. The law also establishes procedures for DPH to follow when it receives such notice. The act expands the reporting requirement to cover all licensed or permitted health care professionals.

It establishes similar (1) requirements for hospitals and other licensed or permitted health care professionals to report to DPH suspected impairment that may limit a person's ability to practice with skill and safety and (2) procedures for DPH to follow when it receives such notice.

Under certain circumstances, the act allows a health care professional or hospital to satisfy the act's reporting requirements by referring the impaired health care professional for intervention to the professional assistance program for DPH-regulated professionals (currently, the Health Assistance InterVention Education Network (HAVEN)).

Under the act, covered health care professionals include: chiropractors, naturopaths, podiatrists, athletic trainers, occupational and occupational therapy assistants, physical therapists and physical therapy assistants, radiographers, radiologic technologists, radiologist assistants, nuclear medicine technologists, nurses, nurse-midwives, dentists, dental hygienists, optometrists, opticians, respiratory care practitioners, psychologists, marriage and family therapists, clinical and master social workers, alcohol and drug counselors, professional counselors, veterinarians, massage therapists, dietitian-nutritionists, acupuncturists,

paramedics, embalmers and funeral directors, hearing instrument specialists, and speech and language pathologists.

EFFECTIVE DATE: October 1, 2015

Petitions

The act requires health care professionals and hospitals, and allows anyone else, to file a petition when the individual or hospital has information that appears to show that a health care professional is, or may be, unable to practice his or her profession with reasonable skill or safety because of:

1. physical illness or loss of motor skill, including deterioration due to aging;
2. emotional disorder or mental illness;
3. drug abuse or excessive use, including alcohol, narcotics, and chemicals;
4. illegal, incompetent, or negligent conduct in the professional's practice;
5. possession, use, prescription for use, or distribution of controlled substances or prescription drugs, except for therapeutic or other proper medically necessary purposes;
6. misrepresentation or concealment of a material fact when obtaining or applying for reinstatement of a professional license; or
7. violation of any law or regulation governing the health care professional.

A health care professional or hospital must, and anyone else may, file a petition with DPH within 30 days of obtaining information to support the petition. Each petition must (1) be filed on forms the department supplies, (2) be signed and sworn, and (3) state in detail the reasons for the petition.

Investigations

DPH must investigate all petitions it receives under the act to determine if there is probable cause to issue charges and institute proceedings against a health care professional.

The investigation must generally be concluded within 18 months after the petition is filed. During that time:

1. the investigation is generally confidential, but the department must provide information to the person who filed the petition, and
2. no one may disclose his or her knowledge of the investigation to a third party unless the health care professional being investigated requests an open investigation and disclosure.

After the 18-month period, the investigation record becomes a public record for Freedom of Information Act purposes.

Probable Cause

If DPH determines probable cause exists to charge the health care professional, the entire proceeding's record becomes public unless the department determines that the professional is an appropriate candidate for participation in the assistance program.

If, during the 18-month investigation period, DPH finds no probable cause, the petition and the investigation record remain confidential, except (1) the department may provide the petitioner, upon request, information about the investigation and a chance to review the investigation notes if the petitioner also alleged incompetence, negligence, fraud, or deceit or (2) the professional may request that the petition and record be open.

Physical or Mental Examination

Under the act, as part of an investigation DPH may order the health care professional to submit to a physical or mental examination by a physician chosen from a DPH-approved list. (Presumably, the professional selects the physician.) DPH may seek advice from established medical organizations or licensed health professionals to determine the nature and scope of diagnostic examinations that such physical or mental examinations should include. The chosen physician must state his or her findings in writing.

If the health care professional does not obey a DPH order to submit to an examination or attend a hearing, DPH may petition Hartford Superior Court to order the examination or attendance.

Under the act, DPH may not restrict, suspend, or revoke a health care professional's license, or limit his or her right to practice, until he or she has been given notice and the opportunity for a hearing in accordance with the Uniform Administrative Procedure Act.

Referrals and Liability

Under the act, a health care professional or hospital that refers an impaired professional for intervention to the assistance program satisfies the act's reporting requirement if the impairment is due to chemical dependency, emotional or behavioral disorder, or physical or mental illness.

Additionally, the assistance program and any professional, hospital, or person who files a petition with DPH under the act or provides information to DPH or the assistance program about an impaired professional, are immune from liability for damages or injury to the professional without a showing of malice.

Notification Requirements

The act requires a health care professional to notify DPH if he or she is (1) arrested for possession, use, prescription for use, or distribution of a controlled substance or prescription drug or alcohol or (2) diagnosed with a mental illness or behavioral or emotional disorder. The professional must provide the notice within 30 days of the arrest or diagnosis and he or she may satisfy the obligation by seeking intervention with the assistance program.

The act also requires a professional to report to DPH any disciplinary action taken against him or her (1) that is similar to those actions DPH may take against professionals under its jurisdiction (e.g., license or permit revocation or suspension) and (2) by another state, the District of Columbia, a U.S. possession or territory, or a foreign jurisdiction. The professional must provide the notice within 30 days of the action.

Under the act, a health care professional's failure to report may constitute grounds for DPH to take disciplinary action.

§ 481 — DEFICIT MITIGATION PLAN

The act makes a technical change to a provision in PA 15-244 (§ 165) authorizing the governor to direct the treasurer to transfer money in the Restricted Grants Fund (RGF) to the General Fund as part of a required deficit mitigation plan.

Beginning July 1, 2019, PA 15-244 (§§ 164-169) establishes a mechanism for diverting projected surpluses in certain tax revenues to the Budget Reserve Fund (BRF). It establishes a (1) formula and process for calculating the revenue diversion and (2) RGF to hold the diverted funds until after the close of General Fund accounts each fiscal year, at which point they transfer to the BRF.

EFFECTIVE: July 1, 2019

§ 482 — DETERMINING NET OPERATING LOSS (NOL) FOR COMBINED GROUPS

Net operating loss (NOL) deductions are tax deductions whose value exceed a corporation's gross income for a tax year, and thus cannot be used unless the corporation can apply them to future taxes (carry forward). Connecticut law allows corporations to carry forward NOLs for up to 20 years. PA 15-244 makes two changes affecting the amount of NOL corporations can carry forward:

1. Beginning with the 2015 tax year, it limits that amount to the lesser of (a) 50% of their net income and (b) the difference between the amount of NOL in the current income year and

the amount carried forward from prior years.

2. PA 15-244 also (a) requires members of a combined group to determine their Connecticut tax liability based on the entire group's net income or capital base and (b) allows each member to deduct its share of the group's NOL according to the act's apportionment rules.

The act provides an alternative limit for corporations that are part of a combined group with over \$6 billion in unused NOLs from tax years prior to 2013. It allows them to annually carry forward NOLs that equal their net income for each tax year beginning in 2017 until they have applied 50% of their pre-2015 NOLs, after which they are subject to PA 15-244's limits. Groups meeting the NOL threshold must decide whether to apply the act's limit before the deadline for filing their 2015 tax returns.

EFFECTIVE DATE: Upon passage

§ 483 — GRANTS TO SPECIFIED MUNICIPALITIES

The act requires the DRS commissioner to transfer to the state treasurer the first \$814,891 in sales tax revenue scheduled to be deposited into the Municipal Revenue Sharing Account (see § 132). The treasurer must use the funds to make grants in FY 16 to certain municipalities for specified purposes, as shown in Table 15. Under the act, education grants do not count towards the towns' budgeted education expenditures for purposes of calculating their minimum budget requirement for local education spending.

Table 15: Grants to Specified Municipalities

<i>Specified Purpose</i>	<i>Town (Grant Amount)</i>
Education	Killingly (\$125,000)
	Plainfield (\$125,000)
	Stamford (\$250,000)
General municipal purposes	East Lyme (\$48,100)
	Farmington (\$166,791)
	Norwich (\$50,000)
	Branford (\$50,000)

EFFECTIVE DATE: Upon passage

§ 484 — GRANT TO MIDDLETOWN

The act requires OPM to use \$1.5 million from the regional planning incentive account for a grant to Middletown for general municipal purposes. By law, this account funds (1) annual grants to regional councils of government (COG) and (2) competitive grants to municipalities, COGs, and economic development districts under the regional performance incentive program.

EFFECTIVE DATE: July 1, 2015

§ 485 — LOW WAGE EMPLOYER ADVISORY BOARD

The act establishes a 13-member Connecticut Low Wage Employer Advisory Board within the Department of Labor (DOL) for administrative purposes only. The board must advise the labor commissioner, DDS, DSS, and Office of Early Childhood (OEC) on matters related to:

1. the causes and effects of businesses paying low wages to state residents,
2. public assistance use among working state residents,
3. minimum wage rates needed to ensure working state residents can achieve an economically stable living standard,
4. improving the quality of public assistance programs that affect working state residents,
5. the wages and working conditions of the workforce that delivers services to low-wage working families, and
6. business reliance on state-funded public assistance programs.

In advising the commissioner and agencies, the board must:

1. consider, suggest, and review legislative and agency proposals and actions regarding the above matters;
2. study and monitor the (a) causes and effects of large businesses paying low wages to state residents, including the impact of such practices on workers' need for public assistance; (b) minimum wage rates needed for working state residents to meet basic needs, such as food, housing, health care, and child care, without state-funded public assistance programs; and (c) benefits that employers receive from public assistance benefits provided to the state workforce and solutions to associated problems;
3. foster communication between working state residents who provide or receive public assistance and employers and state agencies to improve the quality of state public assistance programs serving lower-income residents; and
4. advise the labor commissioner and other interested state agencies or officials on policies and procedures related to the board's study areas, including (a) public assistance use among lower-income working residents, (b) public assistance programs' impact on workforce quality and stability, and (c) the wages and benefits needed to maintain a stable and qualified workforce to administer and provide services connected with public assistance programs.

The act allows the advisory board to form working groups as needed to solicit stakeholder feedback to enable it to fulfill its duties and responsibilities.

Starting by December 1, 2015, the board must annually report its findings and recommendations to the DOL and DSS commissioners; OEC director; and Education, Human Services, and Labor committees. The reports must also be publicly available in a form and manner the board prescribes.

EFFECTIVE DATE: Upon passage

Board Membership

Under the act, the 13-member board consists of the labor commissioner and OPM secretary, or their designees, and 11 appointed members. The table below shows the appointing authorities and the qualifications appointees must have to serve on the board.

Table 16: Appointed Board Members and Qualifications

Appointing Authority	Member Qualifications
Governor (5 appointments)	Expert on low wage workers' issues Expert on the large business community's labor force needs Expert on the small business community's labor force needs Consumer-directed Medicaid services recipient State child care program enrollee
Senate president pro tempore	Represents an organization whose principal purpose is advocating for services funded by consumer-directed Medicaid programs
House speaker	Represents an organization whose principal purpose is advocating for services funded by state child care programs
Senate majority leader	Organized labor representative who represents workers who provide services funded by consumer-directed Medicaid programs
House majority leader	Organized labor representative who represents workers who provide child care services funded by state child care programs
Senate minority leader	Person with experience in the large business community's labor force needs
House minority leader	Person with experience in the small business community's labor force needs

The act requires the appointing authorities to make their appointments to the board by July 30, 2015. Board members have initial four-year terms. Following the initial terms' expiration, all appointed members serve three-year terms. Appointing authorities must fill vacancies within 30 days and previously appointed members can be reappointed.

The board must (1) elect two chairpersons at its first meeting, which must be held by August 9, 2015, and (2) meet at least quarterly. Within 10 calendar days after the first meeting, each member must take an oath of office to (1) diligently and honestly administer the

board's affairs and (2) not knowingly violate applicable legal provisions or willingly permit them to be violated. One of the board's chairpersons must administer the oath. Board members serve without compensation but may be reimbursed, within available appropriations, for necessary expenses under the standard state employee travel reimbursement policy.

Under the act, each board member has one vote, and a majority of the board constitutes a quorum for transacting the board's business, exercising its powers, or performing its duties.

§§ 486-489 — CRIMINAL AND JUVENILE JUSTICE PROGRAM INVENTORIES

Program Inventories

The act requires the Judicial Branch's Court Support Services Division (CSSD) and DCF, DOC, and DMHAS by January 1, 2016, to (1) compile complete lists of each agency's criminal and juvenile justice programs and (2) categorize them as evidenced-based, research-based, promising, or lacking any evidence. The agencies must also do this by October 1 every subsequent even-numbered year.

Each designated agency's list must include the following information for the previous fiscal year:

1. a detailed program description and the names of providers,
2. the intended treatment population and outcomes,
3. total annual program expenditures and a description of funding sources,
4. the method for assigning participants,
5. the cost per participant,
6. the annual capacity for and number of actual participants, and
7. an estimate of the number of people eligible for or needing the program.

CSSD and the departments must submit the program inventories to OPM's Criminal Justice Policy and Planning Division; the Appropriations and Finance, Revenue and Bonding committees; the Office of Fiscal Analysis (OFA); and the Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University.

Using the program inventory data, IMRP must develop a cost-benefit analysis for each program and submit the report of its analyses to OPM; the Appropriations and Finance, Revenue and Bonding committees; and OFA, by March 1, 2016 and annually by November 1 after that. IMRP's cost-benefit analyses may be included as part of OPM's and OFA's annual fiscal accountability report due by November 15 to the Appropriations and Finance, Revenue and Bonding committees. Under the act, "cost beneficial" means the

cost savings and benefits realized over a reasonable period of time are greater than the implementation costs.

By law, OPM must develop a plan to promote a more effective and cohesive state criminal justice system. Under the act, to accomplish this, OPM must also review the program inventories and cost benefit analyses and consider incorporating them in its budget recommendations to the legislature.

Agency Expenditure Estimates

Under the act, the designated agencies' expenditure requirements submitted to OPM and the legislature may include costs to implement evidence-based programs. The governor may include these costs in the budget he submits to the legislature.

Program Definitions

The act defines each program category as follows:

1. An "evidence-based program" incorporates methods demonstrated to be effective for the intended population through scientifically based research, including statistically controlled evaluations or randomized trials; can be implemented with a set of procedures to allow successful replication in Connecticut; achieves sustained, desirable outcomes; and, when possible, has been determined to be cost-beneficial.
2. A "research-based program" is a program or practice with some research demonstrating its effectiveness, such as one tested with a single randomized or statistically controlled evaluation, but which does not meet the full criteria for evidence-based.
3. A "promising program" is a program or practice that, based on statistical analyses or preliminary research, shows potential for meeting the evidence-based or research-based criteria.

EFFECTIVE DATE: July 1, 2015, except the provision on estimates of agency expenditures on evidence-based programs is effective July 1, 2016.

§§ 490-493 — BOARDS AND COMMISSIONS

The act makes changes to the Board of Regents for Higher Education (BOR), State Insurance and Risk Management Board, and the Board of Protection and Advocacy for Persons with Disabilities. It also authorizes the DPH commissioner, or her designee, to issue final decisions in certain proceedings brought by or before the 14 professional licensing boards and commissions directly overseen by the department.

EFFECTIVE DATE: Upon passage

BOR

BOR, which has 21 members, serves as the governing body for the Connecticut State University System, the community-technical colleges, and Charter Oak State College. The act removes a prohibition on the board's 15 voting members being employed by, or elected officials of, a public agency, as defined by FOIA. It instead prohibits them from being public officials or state employees, as defined by the Code of Ethics. Thus, it generally allows municipal elected officials and employees and judges to serve as members.

Generally, under FOIA, a "public agency" is any (1) state, municipal, regional, or quasi-public agency, including any judicial office, or (2) entity that is the functional equivalent of such agencies. Under the Code of Ethics, "public officials" and "state employees" include state and quasi-public agency employees but not judges or municipal officials or employees.

State Insurance and Risk Management Board

By law, the State Insurance and Risk Management Board determines how the state insures itself against losses and purchases insurance to obtain the broadest coverage at the most reasonable cost. The act:

1. adds a gubernatorial appointee to the board, bringing its total membership to 13 (including the comptroller, or his designee, who is an ex-officio voting member);
2. requires that eight, rather than seven, appointed members be qualified by training and experience;
3. increases, from six to eight, the maximum number of appointed members who may belong to the same political party; and
4. removes the prohibition on members serving more than two consecutive terms.

Board of Protection and Advocacy for Persons with Disabilities

The act adds the governor, or his designee, as a nonvoting member to the Board of Protection and Advocacy for Persons with Disabilities. By law, the board advises the director of the Office of Protection and Advocacy for Persons with Disabilities on matters relating to advocacy policy, client service priorities, and issues affecting people with disabilities.

DPH Professional Licensing Boards and Commissions

DPH directly oversees 14 professional licensing boards and commissions. The act requires these boards and commissions to notify the department when they (1)

receive complaints or (2) either receive petitions or initiate proceedings for declaratory rulings under the UAPA.

The act authorizes the DPH commissioner or her designee, within 15 days after receiving any such notice, to notify the board or commission that the (1) decision it renders in the matter will be a proposed decision and (2) commissioner or designee will render the final decision. In making the proposed final decision, the board or commission must comply with the UAPA's requirements for proposed final decisions (e.g., include written findings of fact and conclusions of law).

Under the act, the commissioner or her designee may approve, modify, or reject the proposed decision, or remand it for further review or to gather additional evidence. Within 30 days after a board or commission issues a proposed decision, any party to the matter may file a written exception. The act specifies that the commissioner's or designee's decision (rather than the board's or commission's) is final under the UAPA, subject to an aggrieved person's right to file (1) a petition for reconsideration with DPH or (2) an appeal with the Superior Court.

EFFECTIVE DATE: Upon passage

§ 494 — MUNICIPAL REVENUE SHARING AND MOTOR VEHICLE PROPERTY TAX GRANTS*Municipal Revenue Sharing Grants*

Grant Amounts. PA 15-244 (§ 207) establishes a new municipal revenue sharing grant program funded by sales tax revenue directed to the Municipal Revenue Sharing Account. It (1) specifies the grant amounts per town for FY 17 and (2) requires OPM to distribute the grants according to a newly established formula beginning in FY 18. The act instead specifies the grant amounts per town for FY 17 and FY 18 and requires OPM to distribute the grants according to the formula beginning in FY 19. It also reduces Hartford's grant amount by \$1 million and increases Stamford's and Wethersfield's by \$500,000 each.

Spending Cap. Beginning in FY 18, PA 15-244 (§ 207) requires OPM to reduce the municipal revenue sharing grants to municipalities whose spending, with certain exceptions, exceeds a specified spending cap (i.e., the greater of 2.5% or more or the rate of inflation). The act eliminates a limit on the grant reduction for municipalities that taxed motor vehicles at more than 32 mills for the 2013 assessment year. Under this limit, the grant reduction for such a municipality could not exceed the difference between the amount of property taxes the municipality levied on motor vehicles for the 2013 assessment year and the amount the levy would have been had the motor vehicle mill rate been 32 mills. The grant reduction, unchanged by the act, is

equal to 50 cents for every dollar the municipality spends over the cap.

PA 15-244 (§ 207) excludes from the spending cap expenditures for any municipal revenue sharing grant the municipality disburses to a special taxing district, up to the difference between the amount of property taxes the district levied on motor vehicles in the 2013 assessment year and the amount the levy would have been had the motor vehicle mill rate been 32 mills, for FY 17 disbursements, or 29.63 mills, for FY 18 disbursements and thereafter. The act expands the exclusion to include any such disbursement. It also excludes from the cap expenditures for any motor vehicle property tax grant the municipality disburses to a special taxing district (as described below).

Under PA 15-244 (§ 207) and unchanged by the act, the spending cap applies to municipal revenue sharing grants issued according to the specified formula. However, under the act, the formula grant distribution is delayed until FY 19. Thus, it appears that the spending cap applies to the grants issued beginning in FY 19.
EFFECTIVE DATE: October 1, 2015

Motor Vehicle Property Tax Grants

Beginning in FY 17, PA 15-244 (§ 207) requires OPM to distribute motor vehicle property tax grants to municipalities to mitigate the revenue loss attributed to the newly established motor vehicle mill rate cap. The act limits the grants to municipalities with a mill rate, or a combined municipal and district mill rate, greater than (1) 32 mills in FY 17 and (2) 29.36 mills in FY 18 and thereafter.

Under PA 15-244, the FY 17 grant is equal to the difference between the amount of property tax a municipality levied on motor vehicles for the 2013 assessment year and the amount of the levy for that year at 32 mills. In FY 18 and thereafter, the grant is equal to such difference, based on 29.36 mills. The act takes into account the mill rates of taxing districts within a town (i.e., village, fire, sewer, or combination fire and sewer districts, and other municipal organizations organized to levy and collect taxes), thus (1) making more towns eligible for the grants and (2) increasing grants for towns that are already eligible. Under the act, the grant is equal to the difference between the amount of property taxes a municipality and any district located there levied on motor vehicles for the 2013 assessment year and the amount of the levy for that year at 32 mills in FY 17 or 29.36 mills for FY 18 and subsequent years. Municipalities must, within 15 calendar days after receiving the grants, disburse to a district the portion of the grant attributable to it.

EFFECTIVE DATE: October 1, 2015

§ 495 — HOUSING AUTHORITIES’ PAYMENTS IN LIEU OF TAXES

The law (1) requires housing authorities for moderate rental housing projects to make payments to municipalities in lieu of property taxes, special benefit assessments, and sewerage system use charges the municipality would otherwise impose and (2) specifies how these payments must be calculated. The act prohibits from June 30, 2015 until June 30, 2016, municipalities that were reimbursed by the state for a property tax abatement on such housing projects in FY 15 from requiring payments from an authority for a project unless the project receives federal funds for these expenses.

EFFECTIVE DATE: Upon passage

§§ 496 & 497 — FY 16 & FY 17 REVENUE ADJUSTMENTS

The act adjusts revenue estimates for FY 16 and FY 17 for the General Fund and STF as shown in Table 17.

Table 17: Revised FY 16 and FY 17 Revenue Estimates by Fund

		<i>General Fund</i>	<i>STF</i>
FY 16	New Revenue Estimate	\$18,162,357,470	\$1,468,100,000
	Change from Budget Act	(15,600,000)	0
FY 17	New Revenue Estimate	18,713,626,722	1,596,900,000
	Change from Budget Act	(25,500,000)	(16,300,000)

§ 498 — COMMISSION ON ECONOMIC COMPETITIVENESS

Composition

The act establishes a 13-member commission to assess how the state’s tax policies affect, and recommend ways to promote, economic growth. The commission consists of legislative appointees, the DRS and DECD commissioners, and a Connecticut Business and Industry Association (CBIA) representative appointed by the CBIA president. The legislative appointees may include legislators. Table 18 shows the commission’s legislative appointments.

Table 18: Commission’s Legislative Appointments

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Member Qualifications</i>
House speaker	3	One appointee must be an executive of a publicly traded corporation
Senate president pro tempore	3	One appointee must be an attorney
House majority leader	1	Member of an employee advocacy group
Senate majority leader	1	Economist
House minority leader	1	Representative of a major corporation headquartered in Connecticut
Senate minority leader	1	Small business owner

The initial appointments must be made by August 1, 2015. Appointees serve two-year terms and the appointing authority must fill any vacancy. The House speaker and Senate president pro tempore must select the commission’s chairpersons from among its members.

Administration

The chairpersons must schedule the council’s first meeting by August 29, 2015. The commission must meet thereafter when a majority of the members or the chairpersons deem it necessary. The Finance, Revenue and Bonding Committee’s administrative staff serves as the commission’s administrative staff.

Charge

The commission must generally (1) analyze how the state’s tax policy affects business and industry and (2) develop policies that promote economic growth. It must also:

1. examine how PA 15-244’s tax policy changes affect Connecticut’s businesses and industries;
2. assess the large and small business and industry needs that affect their ability to compete; and
3. recommend legislation, including tax policy changes, that helps businesses and industries grow and prosper.

Reports

The commission must annually report to the Commerce and Finance, Revenue and Bonding committees. Its first report, which is due by January 1, 2016, must assess how PA 15-244’s tax policy changes affect Connecticut businesses and industries. The commission’s subsequent reports are due annually by

January 1 and must describe the commission’s activities.

Related Acts

PA 15-244 changes many tax laws affecting businesses and industries. Among other things, it institutes combined reporting for corporations that are subject to the corporation business tax and part of a group of corporations engaged in a unitary business. It also imposes a 6% gross receipts tax on certain ambulatory surgical centers and requires dry cleaners to annually renew their DRS registrations.

PA 15-212 establishes a 10-member council to advise the executive and legislative branches on Connecticut’s economic performance, including how it compares to that of other states and jurisdictions. Beginning January 1, 2017, the council must report annually to the governor, the DECD commissioner, and several legislative committees on the state’s current economic competitiveness and ways to make the state more competitive.

EFFECTIVE DATE: Upon passage

§ 499 — UMBILICAL CORD BLOOD COLLECTION ACCOUNT

The act transfers \$250,000 in FY 16 from DPH’s Other Expenses account to the Connecticut Umbilical Cord Blood Collection Board to deposit in the umbilical cord blood collection account.

EFFECTIVE DATE: July 1, 2015

§ 500 — FAILURE TO FILE FOR PRE 2011 MACHINERY AND EQUIPMENT PROPERTY TAX EXEMPTION

By law, certain machinery and equipment newly acquired before 2011 qualifies for the statutory five-year property tax exemption (CGS § 12-81(72)). The exemption applies to machinery and equipment used for manufacturing, including biotechnology and recycling, and taxpayers must file for it annually by November 1.

The act allows taxpayers in Milford to claim this exemption for machinery and equipment on the 2014 grand list if they missed the November 1 mandatory filing deadline. It waives the deadline if the taxpayers file for the exemption by July 31, 2015 and pay the required late fee. After verifying the property’s eligibility for the exemption, Milford’s tax assessor must approve it. Milford must refund any taxes paid on the machinery and equipment if the taxpayer filed the application in a timely manner. (Property on the October 2014 grand list is taxed in FY 16.)

PA 15-184 also extends the November 1 deadline for taxpayers in Durham, New Haven, and Windsor to claim the property tax exemption for manufacturing machinery and equipment.

EFFECTIVE DATE: July 1, 2015

§ 501 — FIRST IN FLIGHT CAFÉ

The act designates the food service kiosk on the Legislative Office Building's third floor as the "First in Flight Cafe" to honor the first powered flight by Gustave Whitehead and commemorate the state's aviation and aerospace industry.

EFFECTIVE DATE: Upon passage

§ 502 — MARINA VILLAGE IN BRIDGEPORT

The act exempts a public housing project, Marina Village in Bridgeport, from requirements regarding the sale, lease, transfer, or destruction of projects owned by housing authorities that receive, or have received, state financial assistance.

The law generally prohibits such housing authorities from disposing of a housing project, or any part of it, if doing so would remove it from the low- or moderate-income rental market.

EFFECTIVE DATE: Upon passage

§§ 503-505 — ACCESS HEALTH CT SUBSIDIARIES

The act allows the Connecticut Health Insurance Exchange, Access Health CT, to form quasi-public subsidiaries to further the exchange's purposes. It prohibits a subsidiary from providing insurance broker services, except dental or vision services.

The act allows the exchange to make loans to the subsidiaries or assign or transfer to them any of the exchange's rights, money, or other assets if permitted to do so by state or federal law.

It specifies which of the exchange's powers a subsidiary may exercise. It requires each subsidiary to act through a board of directors, half of whom must be exchange board members or their designees or exchange officers or employees.

EFFECTIVE DATE: Upon passage

Exchange Purposes

Under the act, a subsidiary's purposes must be consistent with those of the exchange. The exchange's purposes, for which public money may be spent, include pursuing the exchange's statutory goals and performing its legal duties and responsibilities. Its goals are to (1) reduce the number of uninsured Connecticut residents and (2) help people and small businesses obtain health insurance by offering easily comparable and

understandable information about health insurance options. Its duties and responsibilities include administering an online health insurance marketplace pursuant to state and federal law.

Subsidiaries

The act allows Access Health CT to form subsidiaries as stock or non-stock corporations or limited liability companies. Like the exchange, each subsidiary is a quasi-public agency subject to statutory operating and reporting requirements for quasi-public agencies. Each also enjoys the same privileges, immunities, tax exemptions, and other exemptions as the exchange.

Under the act, (1) subsidiaries must comply with FOIA and (2) their employees must comply with the code of ethics for public officials.

The act specifies that a subsidiary's board members are not personally liable for the subsidiary's debts, obligations, or liabilities. The subsidiary must indemnify its board members.

The act allows each subsidiary or the exchange to take any action needed to comply with federal tax law to qualify and maintain the subsidiary as a tax-exempt corporation.

Conflicts of Interests

The act subjects a subsidiary's board of directors to the same conflict of interest requirements that apply to the exchange's board of directors. Thus, for example, a board member may not be employed by, a consultant to, or a member of the board of directors of, or affiliated with, an insurer, an insurance producer or broker, a health care provider, or a health care facility or clinic. A board member may not, for one year after stepping down from the board, be employed by a health carrier that offers a qualified health benefit plan through the exchange.

Enumerated Powers

Under the act, each subsidiary may exercise certain specified powers granted to the exchange and any further powers granted to it by the exchange. Under the specified powers, a subsidiary may:

1. have perpetual succession as a body politic and corporate;
2. adopt bylaws;
3. adopt and alter an official seal;
4. establish an office in the state;
5. employ staff, including assistants, agents, and managers, as necessary;

6. acquire, lease, own, manage, hold, and dispose of real and personal property and lease, convey, deal, or enter into agreements concerning such property on any terms necessary to carry out the exchange's purposes, except acquisitions of real property that use state-appropriated funds or bond proceeds backed by the state's full faith and credit are subject to the OPM secretary's approval and must be in accordance with state law (CGS § 4b-23);
7. receive and accept aid or contributions of any kind from any source;
8. obtain insurance against loss for its property and other assets;
9. invest its funds in U.S.- or state- issued or guaranteed obligations and obligations that are legal investments for savings banks in Connecticut;
10. issue, fund, or refund bonds, bond anticipation notes, and other obligations of the exchange to fund any of its corporate purposes;
11. borrow money to obtain working capital;
12. enter into contracts or agreements necessary to perform its duties, but such contracts are not subject to approval of any state agency as long as they are made public records, subject to the proprietary rights of any party to the contract;
13. if permitted under its contracts, agree to any termination, modification, forgiveness, or other change of any term of any contractual right, payment, royalty, contract, or agreement;
14. establish subsidiaries;
15. make loans to subsidiaries from the exchange's assets and bond proceeds or assign or transfer any of the exchange's rights, money, or other assets if permitted by state or federal law;
16. sue, be sued, plead, and be impleaded; and
17. do all acts necessary and convenient to carry out its purposes, provided they do not conflict with the federal Affordable Care Act or related regulations and guidance.

The act limits a subsidiary's liability in lawsuits solely to its own assets, revenue, and resources. Its liability cannot extend to the exchange's other funds, revenue, resources, or assets.

Under the act, each subsidiary may secure borrowing with its assets or revenue, but any debt it incurs is its special obligation and must be repaid from its own resources.

§§ 506 & 507 — NEWBORN SCREENING FOR ADRENOLEUKODYSTROPHY

The act requires the DPH commissioner, by October 1, 2015, to execute an agreement with the New York State Department of Health to (1) conduct a newborn screening test for adrenoleukodystrophy (ALD) using dried blood spots and (2) develop a quality assurance testing method for the screening test. It allows the commissioner to accept private grants and donations to defray the cost of purchasing any necessary related equipment.

The act also requires \$100,000 of the amount appropriated in FY 16 to DPH's Other Expenses account to be made available for that fiscal year to screen newborns for ALD. (However, this provision takes effect on July 1, 2016, which is after FY 16 ends.)

Prior law required health care institutions to begin testing newborns for ALD after both of the following occurred:

1. (a) a reliable ALD screening method was developed and validated that used dried blood spots and quality assurance testing methods or (b) the FDA approved an ALD test that used dried blood spots and
2. any reagents necessary for the screening test became available.

EFFECTIVE DATE: July 1, 2016

§ 508 — POLICE CERTIFICATION COSTS

The act requires any law enforcement unit that hires a police officer from another law enforcement unit within two years after the officer has been certified by the Police Officer Standards and Training Council to reimburse the initial hiring unit 50% of the total cost of certification (i.e., the cost of training, equipment, uniforms, salary and fringe benefits, and any cost related to the council's entry-level requirements). Such costs do not include any equipment or uniforms the officer returns.

The act does not affect any agreement for reimbursement between a police officer or collective bargaining unit and a law enforcement unit entered into before July 1, 2016.

For purposes of the act, a "law enforcement unit" means any state or municipal agency, organ, or department (or tribal agency, organ, or department created and governed under a legal MOU) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

EFFECTIVE DATE: July 1, 2016

§ 509 — HONOR GUARDS

The act carries forward \$100,000 of unspent funds previously appropriated to the Military Department's Veteran's Service Bonuses and transfers it to the Honor Guards. It makes \$50,000 available in each of FY 16 and 17.

EFFECTIVE DATE: July 1, 2015

§ 510 — FINANCIAL ASSISTANCE FOR COMMUNITY HEALTH CENTERS

PA 12-189 authorized up to \$30 million in general obligation bonds in FY 13 for DPH's community health center grant program and earmarked \$15 million each for (1) member centers affiliated with the Community Health Center Association of Connecticut (CHCAC) and (2) Community Health Center, Inc. (CHCI). The program helps community health centers and primary care organizations (1) renovate, improve, and expand their facilities, including acquiring land or buildings, and (2) purchase equipment.

The act eliminates a provision in PA 15-1, June Special Session, that removed the CHCI earmark and instead earmarks up to (1) \$13 million for CHCI and (2) \$2 million for either CHCAC or CHCI based on competitive bids they submit. The act specifies that the earmarks do not affect any grants awarded to member centers affiliated with CHCAC.

EFFECTIVE DATE: July 1, 2015

§ 511 — MINIMUM BUDGET REQUIREMENT (MBR) AND ALLIANCE DISTRICTS

PA 15-99 prohibits an alliance district town from reducing its MBR for FYs 16 and 17. (Alliance districts are the 30 school districts with the lowest district performance index in the state.) This section specifies that the prohibition applies to current and former alliance district towns. Under prior law, the education commissioner could approve an MBR reduction for an alliance district town if it increased its local contribution for education in that fiscal year.

EFFECTIVE DATE: July 1, 2015

§ 512 — ACUTE CARE HOSPITAL SALES TAX EXEMPTION

The act makes permanent a sales tax exemption for sales of tangible personal property or services to and by an acute care hospital exclusively for its purposes, operating in the state as a "sole community hospital" as defined by federal law (i.e., Sharon Hospital). The exemption previously applied from FY 15 through FY 17.

Federal law defines a "sole community hospital" as one that is more than 35 miles from similar hospitals or located in a rural area and meeting one of several other conditions (42 CFR § 412.92).

EFFECTIVE DATE: July 1, 2015

§ 513 — REPEAL OF MOTOR VEHICLE THEFT TASK FORCE

The act repeals provisions related to the obsolete Motor Vehicle Theft Task Force.

EFFECTIVE DATE: Upon passage

§ 515 — REPEAL OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES WORKING GROUP

The act repeals a provision in PA 15-226 requiring the insurance commissioner and healthcare advocate to convene a working group to study, among other things, the use of inpatient mental health and substance use disorder services.

EFFECTIVE DATE: Upon passage

§ 520 — CHIROPRACTIC SERVICES FOR MEDICAID RECIPIENTS AND FINANCIAL ASSISTANCE FOR COMMUNITY HEALTH CENTERS

The act eliminates statutory provisions allowing (1) DSS to spend up to \$250,000 annually to provide chiropractic services to Medicaid recipients and (2) DPH to establish and administer a program to provide financial assistance to community health centers.

EFFECTIVE DATE: July 1, 2015

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